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A Disarmament Agenda for the Twenty-first Century

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PREFACE

On 2–4 April 2002, the UN Department for Disarmament Affairs and the Foreign Ministry of the People's Republic of China jointly hosted an international conference on "A Disarmament Agenda for the 21st Century," held in Beijing, China. The participants included government officials from nineteen countries, along with fifteen representatives from non-governmental groups and academia, as well as a number of observers from China and diplomatic missions in Beijing. Featured speakers included the Foreign Minister of China Tang Jiaxuan, the Under-Secretary-General for Disarmament Affairs Jayantha Dhanapala, and Nobel Peace Laureate Jody Williams. The Conference's formal agenda focused on defence doctrines, nuclear disarmament, preventing an arms race in outer space, missile proliferation and missile defence, and conventional arms.

DDA would like to take this oppotunity to express its deep appreciation to the Ministry of Foreign Affairs of the People's Republic of China for its excellent work in both hosting the event and in contributing to the substantive discussions at the Conference.

Opening statement

*Tang Jiaxuan**

Extract

A sound international security environment is conducive to the process of arms control and disarmament, while progress in arms control and disarmament can help lay a more solid foundation for the preservation of international security. ...all countries should foster the concept of seeking security through cooperation, dialogue, mutual trust and development... We should take it as an urgent task in the international security area to maintain the integrity and authority of the disarmament legal system and to promote the process of arms control and disarmament. As the most broadly based international political organization, the UN should continue to play a leading role in this respect.

First of all, on behalf of the Chinese Government, I would like to extend congratulations on the convocation of the International Conference on *A Disarmament Agenda for the 21st Century* and warm welcome to His Excellency Mr. Jayantha Dhanapala, Under-Secretary-General for Disarmament Affairs of the United Nations, and to government officials, experts and scholars from various countries. It is the third time that China has co-sponsored an international conference on disarmament issues with the United Nations. I wish to express my appreciation to the Department for Disarmament Affairs for the endeavour it has made for this

* *Tang Jiaxuan is Foreign Minister of the People's Republic of China.*

conference. As host, the Chinese Government will exert its utmost efforts toward the success of the conference.

Looking back on the last century, human society witnessed tremendous achievements in the economic, scientific and technological fields. Meanwhile, the two world wars and the cold war brought unprecedented sufferings to mankind. Since the end of the cold war, the international situation has moved towards relaxation, and much progress has been made in the arms control and disarmament process. Yet, some developments in recent years have posed new challenges to this process. It is highly necessary and timely to hold earnest and in-depth discussions and studies on the current important disarmament issues centered on the theme *A Disarmament Agenda for the 21st Century.*

Arms control and disarmament have always been closely related to international peace, stability and security. A sound international security environment is conducive to the process of arms control and disarmament, while progress in this field can help lay a more solid foundation for the preservation of international security. In the new century, the trend toward a multipolar world and economic globalization as well as the rapid development of science and technology have brought the international community unprecedented opportunities for cooperation and development, but, at the same time, have also brought new challenges to international security. At present, the international community is facing more and more diversified threats to its security. The traditional and non-traditional security factors are intertwined, and the non-traditional ones have become increasingly salient. The unpredictability in global security is rising sharply. Terrorism, drug trafficking, organized cross-border crimes, environmental deterioration and other issues bear on the common interests of all countries, and their interdependence in security is ever deepening. Therefore, all countries should foster the concept

of seeking security through cooperation, dialogue, mutual trust and development. Problems should be solved through multilateral cooperation and comprehensive measures, rather than resorting to unilateralism or force. Only in this way can we create a peaceful and stable macro-environment of international security and can there be a driving force for the sustained development in arms control and disarmament and other fields.

History has always been a process of inheritance and development. Inheritance does not mean being stuck in a rut and development does not mean severance from history. Arms control and disarmament are no exceptions. Thanks to joint efforts over the years, the international community has established a relatively complete legal system for arms control and disarmament. As an important component of the global collective security framework with the UN at its center, this system has increased the predictability of international relations and played an important role in safeguarding international peace, security and stability. Under the new circumstances, it is vital to maintain the existing arms control legal system and continue to promote the arms control and disarmament process. Only by so doing, can the international community enhance mutual trust and cooperation in a joint effort to cope with various new threats. The practice of abandoning or weakening this process and seeking security through expanding unilateral military advantages will not only fail to address the problems, but instead will exert serious impact on international strategic stability. Arms control and disarmament are at a crucial moment when failure to advance would mean retrogression. What course to follow has a lot to do with whether mankind could prevent the repeat of going down the same old road of the last century and whether it could create a peaceful, stable and prosperous 21st century. We should take it as an urgent task in the international security area to maintain the integrity and authority of the disarmament legal system and to

promote the process of arms control and disarmament. As the most broadly based international political organization, the UN should continue to play a leading role in this respect.

Non-proliferation of weapons of mass destruction has always been a thorny issue facing the international community. In recent years, the threat of terrorist organizations and other non-state actors has been on the rise. To prevent such entities from obtaining weapons of mass destruction is a new challenge to the international non-proliferation efforts. The existing international non-proliferation regimes need to be strengthened and improved so as to avoid discrimination and expand their universality, and a balance should be kept between non-proliferation and the peaceful use of science and technology. We also need to seek avenues to tackle the threat of proliferation by fostering new ideas and perspectives. Since proliferation of weapons of mass destruction has complex root causes, its settlement should not be limited to non-proliferation itself, but rather be approached by addressing both the symptoms and root causes. The fundamental way to eliminate its threat is to establish a fair and reasonable new international order, step up international cooperation and generally improve international relations. Unilateralism is not only of no help, but rather would trigger off further proliferation of weapons of mass destruction. Therefore, it is an important task for the international community right now to give full play to the role of the United Nations and other international organizations and establish a fair, reasonable and effective multilateral non-proliferation system based on the participation of all countries.

Outer space is the common property of all mankind, and its peaceful uses are the shared aspiration of humanity. Advances in science and technology have made it possible to explore and harness resources in outer space for the benefit of mankind. For instance, outer space is playing a growing role

in, among other things, promoting scientific research, developing telecommunications and protecting environment, and all aspects of people's everyday lives are closely linked with it. Nevertheless, development of science and technology has also made it possible to reduce outer space to a new battlefield. Over the past decades, there have always been discordant noises about developing and deploying outer space weapon systems, and it is only due to the limits of specific historical conditions that these attempts have failed to turn into reality. In recent years, along with technological development, a scheme to "control outer space" has asserted itself and outer space is in danger of being weaponized. This will not only impede the peaceful uses of outer space, but also cause serious negative impact on the international security configuration. As mankind has entered the 21st century, we should draw lessons from history, negotiate and conclude at an early date legally binding international instruments to prevent the weaponization of and an arms race in outer space, so as to keep outer space far away from the flames of war and retain a tranquil sky for ourselves as well as our future generations.

As a developing country whose central task is economic development, China needs an international environment of lasting peace. It is ready to work with other countries and play its part in the maintenance of international peace and security. China has all along actively supported and participated in the international endeavour for arms control and disarmament. We believe that as long as the international community draws lessons from history and past experience and sticks to the road of peace and development, all the difficulties and problems we face can be overcome and resolved so that the 21st century could become a new century of peace and prosperity.

The agenda items of this conference are all major issues of the current international endeavour for arms control

and disarmament, which deserve profound discussions. I am sure that our exchanges will help us to deepen mutual understanding, narrow differences and come up with useful proposals on promoting the international efforts for arms control, disarmament and non-proliferation. At the return of Spring, we have every reason to believe that with concerted efforts, the international endeavour for arms control and disarmament will no doubt be blessed with new opportunities. I sincerely wish this conference a complete success. Finally, I wish all of you a pleasant stay in China.

* * *

Opening remarks

*Jayantha Dhanapala**

Extract

*What Sun Tzu accomplished in the 5th century BC with respect to the **Art of War**, we too—all of us, regardless of age, governmental rank, or nationality—must now resolve to achieve in the 21st century as we seek to master a new historic and urgent challenge, the **Art of Disarmament**.*

Lao Tse once wrote that, "He who accounts all things easy will have many difficulties."

As all the distinguished participants at this conference surely recognize, disarmament is not a field for the simple-minded. Its fulfilment requires a long journey, a good compass, some dependable reference points for navigation, a knowledge of natural obstacles, a mastery of both strategy and tactics, a keen sense of humanity's strengths and weaknesses, and an abiding vision of the bountiful benefits to be enjoyed upon reaching that final destination. What Sun Tsu accomplished in the 5th century BC with respect to the *Art of War*, we too—all of us, regardless of age, governmental rank, or nationality—must now resolve to achieve in the 21st century as we seek to master a new historic challenge, the *Art of Disarmament*.

* *Jayantha Dhanapala is United Nations Under-Secretary-General for Disarmament Affairs.*

In these times, the world faces no greater need than the imperative for progress in this troubled field. Yet our journey is hindered by weapon-based security concepts, conflicts, mounting civilian casualties, and lost opportunities for social and economic progress as growing shares of the world's treasuries are diverted each year to military uses.

Our journey is particularly demanding with respect to the goal of prohibiting the possession, use, or threats to use nuclear weapons—the most devastating weapons on earth. Instead of decreasing their reliance on such weapons, the States that possess such arms are continuously improving them, to give them new missions, or to devise ingenious ways of further perpetuating existing stockpiles despite the many solemn commitments linking all nations to the goal of nuclear disarmament.

Treaty obligations—particularly those relating to the disarmament and non-proliferation of weapons of mass destruction, along with their associated multilateral regimes and institutions—together offer us the signposts we must all follow on our long common journey ahead. Yet our collective efforts are hindered by the rise of unilateral actions in both these areas that jeopardize the common effort. This conference has therefore been conceived as an opportunity for innovative thinking among high-level representatives of governments, parliaments, academia and civil society together. The existing machinery to negotiate and implement disarmament norms is being neglected. There is an urgent need in the new millennium and new century to revitalize the quest for multilateral disarmament as the most certain route to international peace and security.

It is highly appropriate, therefore, that the first item on the agenda of the Conference focuses on the issues of doctrines, disarmament, and the United Nations. Doctrines are much more than words alone—for many States they serve as

guides to action. They function as roadmaps. They help leaders to interpret information and to explain such information to their public. Given these important roles, doctrines that prescribe the actual use of nuclear weapons must receive especially close attention by all who are concerned about the journey to global nuclear disarmament.

The United Nations Charter and the Millennium Declaration offer alternative roadmaps that emphasize the importance of the peaceful resolution of disputes, the obligation to avoid the threat or use of force, the role of social and economic development as a path to peace, and the need for progress in disarmament. Our journey, in short, has come to a crossroads, and the world must chose which guide it wishes to follow—I hope that the deliberations on this agenda item will result in new insights that will enable the world community to chose its future path wisely.

The second agenda item focuses on the global challenges of eliminating nuclear weapons and their associated dangers to mankind. The global nature of the market for weapons-usable nuclear materials and the technologies to produce them, the global scope of the implications of nuclear war, and the global reach of the desire on the part of all of humanity to eliminate such weapons—these considerations compel a truly global response. Four years ago, analysts at the Brookings Institution estimated that the total historical cost of US efforts in the field of nuclear weapons was around $5.8 trillion. They calculated that if configured as a stack of one-dollar bills, the stack would span a distance of 459,000 miles—which is over 100 times the length of the Great Wall. This figure did not include the additional expenses for nuclear weapons by other states—not to mention the horrific human and economic costs associated with any actual use of such weapons. Yet as high as these figures may be, the world's tax-

payers may soon face burdens that will be even more astronomical in more ways than one.

This brings me to the third agenda item—missile proliferation and missile defence. On 15 April 1999, Secretary-General Kofi Annan issued a statement challenging the world community to get to work on some multilateral norms in both of these areas. The following year, the General Assembly approved a resolution which requested the Secretary-General to prepare—with the assistance of a panel of governmental experts—a report on missiles in all its aspects. On 1 April 2002, this panel convened its second session in New York and will meet again in July to conclude its work. The Secretary-General will then submit his report to the fifth-seventh session of the General Assembly.

These preliminary efforts with respect to missiles represent the first steps of a long journey to address some of the most difficult challenges for international peace and security. The world will not reach the end of this road until States take many more steps to develop multilateral norms in these fields. Recognizing the costs of failure to fulfil this ambitious goal, your challenge in this Conference is to identify and explore various ways and means of building such norms and ensuring their implementation in the coming years.

The fourth agenda item focuses on Conventional weapons issues, with a particular emphasis on the "revolution in military affairs," confidence-building measures, and regional approaches to disarmament. Last year, the historic UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects reached a consensus on a "Programme of Action" that addressed one important dimension of this larger problem. While there is much work to be done—not just in implementing this mandate, but also in building upon it—even more work lies ahead to develop multilateral norms with respect to other conventional arms.

The endless qualitative improvements underway to perfect the accuracy and lethality of conventional weapons may one day lead to new weaponry that could rival small nuclear weapons in their effects. Will this contribute to the further obsolescence of nuclear weapons—or more likely, to parallel arms races involving both types of weaponry? I hope this panel will focus in particular on how the world community can obtain further information about the production and international transfer of such arms, including—among other approaches—greater use of the UN Register of Conventional Arms.

This brings me to the last, but by no means the least significant, item on the agenda: the danger that our earthly arms races will one day—perhaps one day soon—escalate to extra-terrestrial dimensions. In multilateral fora such as the Conference on Disarmament (CD) in Geneva and the General Assembly in New York, China has called for an international treaty on the prevention of an arms race in outer space. The benefits of such an approach and the obstacles it faces merit close scrutiny—but needed most is a searching inquiry into specific practical initiatives to overcome these obstacles. There is little doubt that the world must succeed in this area, for a future arms race in space would have profound implications for international peace and security. It would influence the course of arms races here on Earth, it would even affect how conventional weapons are developed and used, and it would inevitably affect the sharing and distribution of the benefits from the peaceful uses of outer space.

I would like to conclude my opening remarks today on a personal note. When I wore—as they say—a younger man's clothes, I studied Chinese at the School of Oriental and African Studies at the University of London and later served in Beijing in the Foreign Service of Sri Lanka. Over the years, I have developed a deep appreciation for China's rich history,

culture, philosophy and literature. In particular, I was attracted to the writings of your great poet, Li Po. As this conference gets underway in the first few days of a new Spring, I can think of no other inspirational way to commence this event than by recalling his poem, "Clearing at Dawn"—

The fields are chill, the sparse rain has stopped;
The colours of Spring teem on every side
With leaping fish the blue pond is full;
With singing thrushes the green boughs droop.
The flowers of the field have dabbled their powdered cheeks;
The mountain grasses are bent level at the waist.
By the bamboo stream the last fragment of cloud
Blown by the wind slowly scatters away.

In a spirit of gratitude to the Chinese for their extensive efforts to arrange this Conference, I wish all participants well in dissipating the last clouds from the field of disarmament, so that we all can enjoy the delights of a bright new Spring in a safer and more secure world.

* * *

Summary

Themes Receiving Broad Support at the Conference

Disarmament in general. Arms control and disarmament are both affected by—and contribute to—wider conditions of international peace and security. The international security situation has undergone profound changes. At present, the international community is facing more and more diversified threats to its security. This calls for a new paradigm of cooperation and a new disarmament agenda responsive to the new situation. One participant emphasized that disarmament is best seen as part of a wider agenda of peace. Another voiced views (echoed by others) that "our conventional approaches to arms control and disarmament have not been—or are no longer—adequate to the task." The world needs a new approach to security, one meeting human needs in a world facing new or persisting threats from weapons of mass destruction and from large-scale terrorist acts. All agreed on the need for a rule-based, multilateral approach to disarmament. One participant urged, "We need to prevent a miasma of inertia, despair, and cynicism ... we must keep the edifice of disarmament credible."

Multilateralism. All participants endorsed the value of multilateral approaches to disarmament. The international legal system for arms control and disarmament plays an indispensable role in maintaining common security for all countries and the global strategic stability. While both unilateral and multilateral efforts can advance disarmament objectives, multilateralism is crucial to ensuring that this progress becomes permanent, irreversible, binding, and capable of ver-

ification. Unilateralism, when practised as the pursuit of only a single country's national interests, jeopardizes the future of multilateral cooperation in disarmament. Most participants viewed recent US actions with respect to the Biological Weapons Convention, the Anti-Ballistic Missile Treaty, and its national nuclear doctrine as unilateral and contrary to the interests of multilateral cooperation.

UN Role. The United Nations has important roles to play in promoting the elimination of all weapons of mass destruction, and in developing new, non-discriminatory norms governing conventional weapons, missiles, and the prevention of an arms race in outer space. One participant stated the UN's role in disarmament is to be a font for authority, a forum for discussions, and a funnel for processing disarmament ideals into authoritative norms.

Prevention of an arms race in outer space. Most participants stressed the importance of peaceful uses of outer space. It is urgent to prevent the weaponization of and an arms race in outer space. While most participants favoured the conclusion of a legal instrument to prevent an arms race in outer space at the Conference on Disarmament (CD) or other fora, some participants questioned the need for or verifiability of such a treaty.

Practicality in implementation. Disarmament is not an end in itself, but a means to enhance the security of all states—disarmament initiatives must therefore reflect a deep awareness of the challenges of practical implementation.

Norm maintenance and the rule of law. Compliance and enforcement measures are vital to the success of all disarmament and non-proliferation arrangements.

Technology. Technological change offers new hope for progress in disarmament, yet it also creates new chal-

lenges to overcome, particularly in the form of the development of new weapons, including space weapons, new nuclear and conventional weapons, and new delivery vehicles.

Rising to new challenges. While states must maintain existing disarmament and arms control arrangements, so too must states explore new initiatives to improve these arrangements and to explore opportunities to create new controls over emerging weapons threats, including threats relating to terrorism and the risk of an arms race in outer space.

Deeper roots. Advocates both inside and outside of government must identify and understand the deeper roots of arms races and obstacles to disarmament.

Disarmament and Development. Vast sums spent on arms could be more productively spent in development initiatives to improve the standards of living of all people. The future of disarmament is closely related to the future of human security, social and economic development, and the state of the environment. All agreed that poverty is a condition that can foster terrorism and conflict.

Doctrines. Most agreed that doctrines prescribing the use of weapons of mass destruction are a significant obstacle to progress on disarmament and non-proliferation.

Threats. Multilateral responses to international security threats are best arranged when the threats are precisely defined and backed by credible evidence. Hopes for enhanced multilateral cooperation are weakened when collective threats are unsubstantiated. Some participants said the global missile threat was growing. Another view was that this threat was actually declining in many areas, and where problems remain, they were susceptible to diplomatic solution. One participant said that missiles were not strong weapons of the poor, but poor weapons of the strong.

Bilateral initiatives. The May 2002 summit between the presidents of the United States and the Russian Federation offer a potential opportunity for significant reductions in deployed offensive strategic nuclear weapons. Most participants expressed the hope that these reductions would be carried out in a legally binding, irreversible, verifiable, and transparent manner.

CTBT. The entry into force of the Comprehensive Nuclear-Test-Ban Treaty would substantially strengthen multilateral efforts for non-proliferation and disarmament.

Priorities. Most participants agreed that disarmament goals must not be subordinated to national and international efforts against terrorism—both were important goals to pursue and progress in one area can lead to or reinforce progress in the other. Many participants discussed how disarmament could advance counter-terrorism efforts.

Morality. Some participants cautioned that advocates of disarmament should not frame their issues in moralistic terms, on the grounds that such efforts would risk "marginalizing" the cause of disarmament. Other participants claimed disarmament requires a strong foundation in civil society and hence must incorporate a moral dimension.

Venue for negotiating disarmament treaties. Some participants pointed to the stalemate in the CD and urged future disarmament efforts outside it, while others favoured retaining the CD as the single multilateral negotiating forum for disarmament.

Discrimination. Most participants opposed global non-proliferation or disarmament policies that distinguished between "good" or "bad" countries, while others stressed that such policies must focus on states that were acting in violation of agreed norms.

Confidence-building measures. One participant stressed the importance of CBMs as opening the way to future binding agreements, while another responded that "CBMs cannot be a substitute for arms control and disarmament," and that CBMs can be a pretext to avoid "real disarmament."

Advanced conventional weapons. New weapons and new methods of warfare are emerging as a result of the "revolution in military affairs," and new controls are needed—one participant said the UN should plan a major role in leading, organizing, and stimulating work in this field.

Mottos to guide the *Disarmament Agenda in the 21st Century*. One participant advised: "keep it real." Another suggested: "keep it ethical." A third offered, "get real."

Specific proposals suggested by various participants

Disarmament and Non-Proliferation

- Increase efforts to ensure the full implementation of the "thirteen steps" for both nuclear disarmament and the Middle East resolution, agreed to at the 2000 NPT Review Conference.
- Improve the transparency of actions to implement disarmament commitments under the NPT, by establishing a register on nuclear weapons and a register on fissile nuclear materials.
- The strengthened review process of the NPT should consider the recommendations of the UN Secretary-General's Advisory Board on Disarmament Matters, which recently, in 2001, identified several steps to reduce nuclear dangers.
- Establish new controls over sub-strategic (tactical) nuclear weapons. One participant identified specifically the need for "the early conclusion of

a binding and verifiable disarmament agreement on this weapon category. Pending such an agreement, we hope that measures are taken to provide for enhanced transparency and increased security of existing stockpiles of tactical nuclear weapons deployed in Europe."

- There is a need for a "public awareness campaign" on the dangers of nuclear weapons, as public attention to these dangers has been fading in recent years. Strengthen efforts in the field of disarmament and non-proliferation education. Disarmament needs support from a wider coalition of interests: a new multilateralism, involving diverse non-governmental groups across many nations.
- Pursuit of a nuclear weapons convention eliminating all such weapons.
- Work for the conclusion of a treaty establishing a nuclear-weapon-free zone in Central Asia.
- One participant called for implementation of UN Security Council resolution 1172, in particular by denying Pakistan and India the status of nuclear-weapon states and by maintaining "the unambiguous demand on both sides to roll back their programmes and to join the NPT as non-nuclear-weapons states."
- Some participants addressed the need for progress in establishing a zone free of weapons of mass destruction in the Middle East.

Terrorism

- Use the growing awareness of the global terrorist threat as a basis for strengthening physical security over all fissile nuclear materials.

Preventing an arms race in outer space

- Conclude a treaty to ban the development, deployment, or testing of weapons in outer space. Promote the notion of a "space sanctuary." Outlaw weapons that are capable of "shooting down to earth." Establish international controls over space launches. Conclude a ban on anti-satellite weapons.
- Encourage businesses that are interested in peaceful uses of outer space to oppose space weapons.

Controls over aircraft and missiles

- Encourage efforts to control the global proliferation of unmanned aerial vehicles (UAVs).
- One participant called for universal support for the MTCR's International Code of Conduct (ICOC) on Missiles. Another called for support of Russia's proposal for a Global Control System, while yet another said "we need to pursue a world in which no country seeks missiles."

Conventional weapons

- New efforts to halt illicit transfers of small arms and light weapons are needed to limit the violence arising as a result of intra-state conflicts, particularly in Africa.
- One participant urged NATO to establish a criterion for potential new members: a commitment not to "dump" their existing weapons into other parts of the world.
- To deal with conventional weapon threats, one participant recommended: aid policies that lead to security-sector reform, including democratic control of the military; preventive diplomacy; reduce corruption while promoting good governance;

implement weapons marking and monitoring arrangements; improving export controls; improved transparency and other confidence-building measures; and, at times, assist by means of military involvement. Another emphasized efforts to combat the illicit arms trade; to encourage the collection/destruction of weapons; and to issue new laws and policies, while strengthening international institutions at the global and regional levels. Other stressed the importance of universal participation in the UN Register of Conventional Arms.

* * *

Presentations

US views on arms control

*Mark A. Groombridge**

Extract

We are strongly committed to the multilateral regimes and to honoring these treaties, and we will insist that other nations live up to them as well. We will seek out treaties and arrangements that meet today's threats to peace and stability, not yesterday's . ... Our commitment to multilateral regimes to promote non-proliferation and international security never has been as strong as it is today and trying to characterize our policy as "unilateralist" or "multilateralist" is a futile exercise.

US administration's arms control and disarmament policy

On behalf of Under Secretary of State John Bolton, I want to thank both the United Nations and the People's Republic of China for the opportunity to participate in this conference. As the Under Secretary is currently occupied with preparations for the summit between Presidents Bush and Putin in May, he asked me to speak to you about the administration's arms control and disarmament policy.

The intensity of talks with our Russian friends on the reduction of offensive weapons is a reflection not only of the increasingly cooperative relationship between our countries, but of the changing international security environment. The

* *Mark A. Groombridge is Special Assistant to John R. Bolton, Under Secretary for Arms Control and International Security, U.S. Department of State.*

world is no longer dominated by two rival superpowers, and the specter of nuclear war that existed between them is now a comfortingly remote possibility. Today, however, threats to our security are more diverse and often traverse national boundaries, making them less easy to pinpoint and isolate. The tragic events of September 11th have forced all nations—not just the United States—to reassess the threats they face and develop appropriate policies in response.

War against terrorism

Six months into the war on terror, the US and its partners have made great strides. We have overthrown the terrorist-harboring Taliban in Afghanistan, foiled terrorist plots in places such as Germany, Yemen and Singapore, and stanched the flow of funds that allowed Al-Qaeda's schemes to come to fruition.

But the fight against terrorism will be an extended one, and will remain a top international security priority. This administration is committed to preventing the acquisition of chemical, biological, or radiological weapons and their missile delivery systems by rogue states or terrorist groups. As President Bush said: "Our lives, our way of life, and our every hope for the world depend on a single commitment: the authors of mass murder must be defeated and never allowed to gain or use the weapons of mass destruction." The United States and its coalition partners in this fight will meet this threat with every method at our disposal.

The tragic events of September 11th have forced all nations—not just the United States—to reassess the threats they face and develop appropriate policies in response.

Above all, we are acting to end state sponsorship of terror. The United States believes that with very few exceptions, terrorist groups cannot acquire weapons of mass destruction without the support of nation-states. This support might be technical assistance, or funding, perhaps such assistance has even taken the form of simply turning a blind eye to terrorist camps within one's borders. But the fact that governments that sponsor terrorist groups are also pursuing chemical, biological, nuclear and missile programs is alarming and cannot be ignored.

The United States believes that with very few exceptions, terrorist groups cannot acquire weapons of mass destruction without the support of nation-states.

As President Bush recently stated, "Some states that sponsor terror are seeking or already possess weapons of mass destruction; terrorist groups are hungry for these weapons and would use them without a hint of conscience. And we know that these weapons, in the hands of terrorists, would unleash blackmail and genocide and chaos."

If the terrorist attacks taught the United States nothing else, it taught us not to underestimate the intentions and capabilities of rogue states and terrorist groups. We cannot be complacent in the face of these threats, especially from weapons of mass destruction, whether biological, chemical, or nuclear and their missile delivery systems.

Nations that assist terror are playing a dangerous game. President Bush has made it very clear that the United States will regard terrorist-abetting countries as hostile nations. "Either you are with us, or you are with the terrorists," he said.

The proliferation of nuclear materials and technology is a serious threat to international security. The International

The US continues to emphasize the importance of universal adherence to, as well as full compliance with and implementation of, the Non-Proliferation Treaty and comprehensive safeguards.

Atomic Energy Agency's (IAEA) nuclear inspection system must be reinforced, as we press others to adopt strengthened IAEA safeguards designed to detect clandestine nuclear activities. The US continues to emphasize the importance of universal adherence to, as well as full compliance with and implementation of, the Non-Proliferation Treaty (NPT) and comprehensive safeguards. Countries such as North Korea and Iraq must cease their violations of the NPT and allow the IAEA to do its work. Further, I caution those who think that they can pursue nuclear weapons without detection: the United States and its allies will prove you wrong. As President Bush said in March, "We've got all our options on the table because we want to make it very clear to nations that you will not threaten the United States or use weapons of mass destruction against us or our allies or friends."

New strategic framework

In the area of nuclear weapons, our position is that the United States and Russia are no longer adversaries, and, therefore, such cold war notions as Mutual Assured Destruction are no longer appropriate as the defining characteristic of our strategic relationship. These new understandings with Russia are part of what President Bush terms the New Strategic Framework, a comprehensive strategy to enhance our security. The New Strategic Framework involves reducing offensive nuclear weapons, creating defensive systems that deter the threat of missile attacks, strengthening non-proliferation and counter-proliferation measures, and cooperating with our

friends and allies to combat terrorism. It is based on the premise that due to the more cooperative, post-cold war relationship between Russia and the United States, new approaches to arms control issues are possible.

Nuclear weapons will, of course, continue to play a vital role in our defense arsenal. However, they will be just one part of our offensive strategic force, integrated with new non-nuclear strategic capabilities. Accordingly, President Bush has announced that the US will reduce its strategic nuclear force to between 1,700 and 2,200 operationally deployed strategic warheads over the next ten years. President Putin has made a similarly bold and historic decision with respect to Russian strategic nuclear forces. Secretary Powell, Under Secretary Bolton, and my colleagues at the State and Defense Departments are hard at work to try to codify these agreements into a document that would be legally binding and outlast the terms of both leaders.

Missile defense

Almost every state that actively sponsors terror is known to be seeking weapons of mass destruction and the missiles to deliver them at longer and longer ranges. Their hope is to blackmail the world. Unfortunately, it is an undeniable fact that neither the US nor its allies can intercept a missile attack on our homeland from a rogue state. While we do have defenses against shorter-range missiles, we have none against even a single missile launched against our cities.

Due to the more cooperative, post-cold war relationship between Russia and the United States, new approaches to arms control issues are possible.

To prevent such a scenario from becoming a

reality, the United States plans to develop a limited-range ballistic missile defense system. The Russians understand that this would not be aimed at their offensive capability, and our decision in December 2002 to withdraw from the ABM Treaty was made after close consultation with Moscow. In fact, we are currently cooperating with Russia to develop a system of detecting missile threats against both our countries.

We are also concerned about the spread of missile technology that may not threaten the United States at this time, but poses serious threats to our friends and allies, as well as to deployed US forces. We are aware of a long list of missile proliferation activities by enterprises from at least a dozen nations. Most of these transactions are serious, and could result in US sanctions, as has been done several times over the past year.

President Bush has made clear the imperative of restructuring deterrence and defense capabilities to formulate a comprehensive strategy to enhance our security. This strategy must include strengthening non-proliferation measures (prevention), more robust counter-proliferation capabilities (protection), and a new concept of deterrence, relying more on missile defense and less on offensive nuclear forces.

In this context, the security and well being of the United States and its allies depends on the ability to operate in space. America is committed to the exploration of outer space by all nations for peaceful purposes—purposes that allow defense and intelligence-related activities in pursuit of national security goals. We remain firmly committed to the Outer Space Treaty, and we believe that the current international regime regulating the use of space meets all our purposes.

Biological and chemical weapons

In the area of biological and chemical weapons, the United States is very concerned that some parties to the Biological Weapons Convention (BWC) are conducting offensive biological weapons programs while publicly claiming compliance with the treaty. Although the vast majority of signatory nations abide by their commitments, in some cases violators use these treaties as a mantle of multilateral legitimacy. So, in November, the United States decided publicly to name several of the most egregious violators at the Biological Weapons Review Conference in Geneva.

At that time, Under Secretary Bolton singled out several states we knew were attempting to achieve a biological weapons capability: Iran, Iraq, Libya, North Korea, Sudan, and Syria. With the exception of the last two, all are signatories to the BWC.

This partial list of violators shows that too many states are parties to the BWC but have not lived up to their commitments—a commitment made to every state attending the conference. Any nation ready to violate one agreement is perfectly capable of violating another, denying its actual behavior all the while.

The US has crafted a number of proposals that provide effective measures that countries can undertake immediately to strengthen the BWC. Just as we can no longer rely solely on traditional means to fight a war against terrorism, we need to look beyond traditional arms control measures to deal with the complex and dangerous threats posed by biological weapons. The United States believes that the path ahead for the international community is to focus on those states that are known to be using or producing biological weapons.

In the area of chemical weapons, too, the United States is alarmed by the continuing spread of dangerous

chemical weapons technology to countries pursuing illegal programs. Here too, some parties to the Chemical Weapons Convention (CWC) including Iran and Sudan are pursuing chemical weapons programs in violation of their commitments.

Unfortunately, the important verification mechanism of the CWC—the Organization for the Prohibition of Chemical Weapons (OPCW)—is being seriously undermined by the mismanagement of its director, José Bustani. Mr. Bustani recently lost a vote of no confidence when 18 OPCW Executive Council member-nations voted against him. Still, Mr. Bustani refuses to relinquish his position, forcing critical oversight functions of the OPCW to be put on hold while member-nations turn their attention to debating Mr. Bustani's record. Given the strong and widespread opposition to his continued tenure, and the inevitability of a vote to force his resignation, we call on Mr. Bustani to put the future of this vital international body ahead of his personal prospects.

Enforcement and compliance

Multilateral treaties and arrangements such as the NPT, CFE, CWC, BWC, LTBT, PNET, and the TTBT, as well as non-proliferation regimes like the Zangger Committee, the Nuclear Supplier's Group (NSG), the Missile Technology Control Regime, the Wassenaar Arrangement and the Australia Group, form the backbone of our arms control and non-proliferation toolkit. We are strongly committed to the multilateral regimes and to honoring these

The United States believes that the path ahead for the international community is to focus on those states that are known to be using or producing biological weapons.

treaties, and we will insist that other nations live up to them as well. We will seek out treaties and arrangements that meet today's threats to peace and stability, not yesterday's.

Conclusion

Let me conclude by expressing a note of concern and dismay on the part of the US government. It has become fashionable to characterize the United States as "unilateralist" and against all arms control agreements. However, contrary to what some may believe, the United States is not walking away from the international community. Our commitment to multilateral regimes to promote non-proliferation and international security has never been as strong as it is today, and trying to characterize our policy as "unilateralist" or "multilateralist" is a futile exercise. As one would expect, this policy will continue to reflect our interests—such as ending the proliferation of weapons of mass destruction—as well as our value—such as fulfilling our commitments. And we look forward to working with other states to end the threats we all face today and tomorrow.

* * *

Editor's Note

On 2 April, Celso Amorim of Brazil verbally responded to the remarks of Mr. Groombridge on OPCW leadership:

> *"I was surprised, actually dismayed that an occasion like this, which should be for the discussion of ideas, was used to set an unwarranted attack on a compatriot of mine, who happens to be the Director-General of OPCW. I must say, in very clear terms, I myself who was his boss for some time, and Brazil, in general, considers Bustani a highly qualified person from the moral, intellectual and initiative point of view, and we think that all criticism that has been*

raised against him is totally unwarranted. And to be quite honest, I am even a bit scared that an occasion like this has been used for a personal attack of this kind. Of course, no one is denying the right of any state to present a criticism in the appropriate forum, to have votes according to the rules of the organization, but I'm really not only astonished, but scared that an occasion like this for the debate of ideas, even if we have or may have very different ideas, has been used in this way. I must also say that from the perspective of a country, which, from the first moment, showed its total solidarity with the United States after September 11th. You might recall that Brazil actually took the initiative of calling for a meeting of the Rio Group on mutual assistance in the Americas to see what would be the appropriate answers if they would be necessary at the regional level. So, all these things make me sad to start my comments on this note at such an important meeting like this. ... I do not want to make this a debate about Mr. Bustani. I think my main objection is not only what you [Mr. Groombridge] think about Mr. Bustani, that's another matter, however, I think this is a wrong thing to do and that is what I mainly object to. It is totally out of the forum. We are supposed to debate ideas and concepts, not a question like this which requires different scrutiny, which, by the way, Mr. Bustani said that he would be open to. But that's another matter."

Defence, disarmament and the United Nations

*Ramesh Thakur**

Extract

Norms, not deterrence, have anathematized the use of nuclear weapons as unacceptable, immoral and possibly illegal under any circumstance—even for states that have assimilated them into military arsenals and integrated them into military commands and doctrines.... we face four nuclear choices in the new millennium: the status quo, proliferation, nuclear rearmament, or abolition. ... The only guarantee against the threat of nuclear war is the complete elimination of nuclear weapons. ...the chasm over which we must leap is the belief that world security can rest on weapons of total insecurity.

This paper focuses mainly on nuclear weapons, and does so from the perspective of an abolitionist. Mesmerized by the destructive power of nuclear weapons, countries have generally tended to put the nuclear cart before the defence doctrine horse, and in consequence have found that they are going nowhere very fast. A bit like the response from mountaineers as to why they wish to climb Mt. Everest—'because it's there'—some countries are enamoured of nuclear arsenals not because it underpins any defence doctrine but because "they are there".

National power is inherent in the system of independent states, and military force is inherent in national power. In influencing the rise, fall and hierarchy of states, force is the

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decisive element in the structure of any given international system. For all these reasons, military power will remain a prominent feature of international relations. There is the very real risk, however, that the pursuit of national security through the strategy of self-help will produce outcomes of regional and international insecurity through the process of competitive rivalry and arms build-ups. We thus have a paradox: international realities compel us to look to our own forces or risk becoming the victims of others'; but the unchecked proliferation of arms and weapons systems will degrade everyone's security.

I will begin my presentation with a brief background sketch of the logic of cold war deterrence. The high-water mark of nuclear arms control and disarmament was the indefinite extension of the nuclear Non-proliferation Treaty (NPT) at the NPT Review and Extension Conference in 1995 under the chairmanship of Ambassador Jayantha Dhanapala, followed by the adoption of the Comprehensive Nuclear Test Ban Treaty (CTBT) by the UN General Assembly in 1996. Since then, the CTBT has been rejected by the US Senate, and the anti-ballistic missile (ABM) Treaty jettisoned, a more rigorous verification regime for the Biological Weapons Convention rejected, and the small arms conference emasculated by the Bush administration.

I will then comment on three sets of nuclear setbacks since then: the South Asian nuclear tests, the search for a national missile defence by the Bush administration, and the most recent leaks about an emerging doctrine of preemptive nuclear strikes against 'weapons of mass destruction' (WMD) in the hands of rogue regimes. I will directly address the case for nuclear abolition in the light of this discussion before turning, in the final section, to the UN role.

Cold war deterrence

One axis of the cold war consisted of mutual hostility between the United States and the Soviet Union as superpowers; the second axis was a transcendental conflict that divided the world into two groups of states. The cold war was a global struggle centered on and dominated by two superpowers who were able to structure the pattern of international relationships because of a qualitative discrepancy in military capacity and resources based on their large and growing nuclear stockpiles. And the conflict was transcendental because it involved a clash of ideologies: the existence of a strong Marxist and a capitalist state that could not accept permanent relations with each other, believing instead in the eventual destruction of the other. The ideological conflict is over and the mutual deterrence structure of the cold war period is now obsolete, but nuclear weapons and doctrines are still very much with us.

Defence strategies and nuclear weapons

During the Second World War, the death and damage inflicted on Hiroshima on 6 August 1945 was comparable in scale to the destruction visited upon Dresden, Hamburg and Tokyo But there was one important difference: Hiroshima was destroyed by a single bomb. The enormous destructiveness of nuclear weapons produced four major changes in military strategy.

First, modern delivery systems meant that there was no protection against nuclear bombs. On their most successful day in defending London against German 'buzz bombs' in the last war on 28 August 1944, the British shot down 97 out of 101 rockets. Had the four bombs that got away been nuclear, London would have been a rubble of historical curiosity. The only defence against nuclear weapons was to be certain that every enemy missile and bomber was destroyed. Such cer-

tainty is not available today, nor likely in the foreseeable future. Second, the historical trend towards blurring the line between military and civilian sectors, already in evidence in the two world wars, was completed by nuclear weapons. It was now possible to destroy the enemy society without defeating or even engaging enemy forces. Third, the destructiveness of nuclear weapons and the speed of their delivery systems meant that nuclear wars would no longer be protracted affairs. Where conventional wars can go on for years, the most important lines in a nuclear tragedy would be the opening words of the first act. Finally, because of the speed of nuclear war, a country cannot afford, as it could in the past, to mobilize fully only after or with the imminent onset of hostilities. Nuclear forces had to be in a state of constant readiness, though not necessarily on hair-trigger alert.

The fourfold impact of nuclear weapons on defence doctrines and the resulting paradox of credibility remain as relevant today as fifty years ago.

The cumulative impact of the four changes was to rob nuclear weapons of military utility; their only purpose can be deterrence. But here too we confront a fundamental paradox. If one side seeks to deter war by creating the fear that it will use nuclear weapons, then it must convince the opponent of its determination to use them in certain circumstances. If, however, the weapons are used and produce a like response, then the side striking first is very much worse off than if it had abstained. Posing an unacceptable risk to the enemy therefore necessarily poses the same risk to oneself. The fourfold impact of nuclear weapons on defence doctrines and the resulting paradox of credibility remain as relevant today as fifty years ago.

The cornerstone of American foreign policy in the postwar period was guaranteeing European security through 'extended deterrence'. Nuclear weapons were substitutes for financial and manpower sacrifices considered politically impossible in Europe; and they compensated for supposed Soviet superiority in conventional forces. Under the Eisenhower administration, the policy of massive retaliation envisaged that conventional forces in Europe would conduct a holding operation against a Soviet attack until nuclear strikes defeated the aggressor. The Kennedy administration replaced the policy of massive retaliation with that of flexible response where the use of nuclear weapons would be "late and limited": weapons of last resort against Soviet conventional aggression in Europe. The policy was said to be credible because it was carefully calibrated: American strategic superiority allowed the use of nuclear weapons to be limited to Europe and controlled in intensity, scope and duration. The policy was rendered non-credible and therefore inoperable by the Soviet achievement of strategic parity. The paradoxes and contradictions of deterrence doctrines encouraged the British and the French to develop and deploy their own nuclear stockpiles.

When faced with a military threat from an enemy, we can choose to respond by matching that threat. But there is an alternative, namely, to reduce and constrain the threat. Arms control measures are means of trying to constrain reciprocal threats through formally negotiated agreements or tacit understandings on restraints on numbers, types and deployments of weapon systems. They are a form of military cooperation among actual or potential enemies who hold some interests in common. During the cold war, for example, neither side wanted accidental or unauthorized nuclear war, nor one caused by the spillover of warfare between client states. The period of détente in the 1970s–80s was rooted in such politics of antagonistic collaboration: the two rival blocs shared an interest in

reciprocal self-preservation which was more powerful than their apparent enmity.

The value of arms control agreements—defence by better means—can be measured against three criteria of stability: *deterrence stability*, that is do they enhance the credibility of retaliatory capability in order to deter risky adventures in foreign policy; *crisis stability*, that is do they diminish temptations to launch a first strike in times of great tension; and *arms race stability*, that is do they dampen the possibility of sudden dramatic changes in the relative military balance through weapons development.

The nuclear arms control agenda has three interlinked components: non-proliferation, arms control (for example de-alerting and de-mating), and disarmament (the partial, limited or total abolition of nuclear weapons). Some states focus solely on disarmament as the most urgent task in order to camouflage their own proliferation agendas. Others focus on non-proliferation as the immediate and most urgent priority in order to evade their responsibility for disarmament within a foreseeable timeframe. Both invoke arms control as a refuge from calls for non-proliferation and disarmament, and to obfuscate rather than clarify, let alone advance the agenda.

Soviet-American dialogue and agreements in the 1960s and 1970s built up a structure of cooperation that embodied the world's hopes for an avoidance of nuclear war. As the process of détente ground to a halt by the end of the 1970s and suffered reverses in the 1980s, the fruits of earlier cooperation began to decay and the two superpowers abandoned their postures as responsible managers of the world order.

In response, some regions decided to set up nuclear-weapon-free zones (NWFZ) as a means of deepening and reinforcing the NPT. But NWFZ also proved unacceptable to the nuclear-weapons-states (NWS), if any effort was made to

constrain their policies and practices instead of these zones being part of a purely non-proliferation regime. To proponents, NWFZ were integral components of the mosaic of international action on denuclearisation and the delegitimization of the entire edifice of nuclear weapons (possession, testing, deployment, doctrines, and strategies). They helped to embed and institutionalize the global non-proliferation norm at the regional level. Where there was a prospect of the deployment of nuclear weapons in new and sensitive areas, a NWFZ could institute a safe corridor between the nuclear weapons of contending rivals. Thus, they removed nuclear weapons from any future security architecture being contemplated for the region concerned.[1]

The South Pacific NWFZ, established in 1987, had French nuclear testing in the region as one of its primary targets. The worldwide outrage and disbelief provoked by the French decision to resume nuclear testing in 1995 confirmed both the public revulsion against nuclear weapons and their associated infrastructure and the general belief that they were problems left over from the history of the cold war.[2] There was a growing strategic disconnect between the unaltered theology of nuclear deterrence, on the one hand, and, on the other, the military and political reality of reduced nuclear stockpiles and increasing normative constraints on the usability of nuclear weapons, including the Advisory Opinion of the World Court on 8 July 1996. The International Court of Justice (ICJ) concluded, unanimously, that NWS have an obligation to pursue in good faith *and bring to a conclusion* negotiations leading to nuclear disarmament.

Norms, not deterrence, have anathematized the use of nuclear weapons as unacceptable, immoral and possibly illegal under any circumstance—even for states that have assimilated them into military arsenals and integrated them into military commands and doctrines. There were many occa-

sions since 1945 when nuclear weapons could have been used without fear of retaliation but were not, even at the price of defeat on the battlefield (including the US in Vietnam and the Soviet Union in Afghanistan).[3]

An Indian summer of nuclear tests

In May 1998, India and Pakistan conducted eleven tests to crash through the nuclear barrier. The theoretical argument on the beneficial effects of 'the measured spread of nuclear weapons' was made by Kenneth Waltz. In essence, he argued that the likelihood of war decreases as deterrent and defensive capabilities increase, and that the newer NWS can and will be socialized into the responsibilities of their new status.[4] Stability-enhancing features of nuclear deterrence in general are given particular cogency in the case of Indo-Pakistan hostility by features distinctive to their relationship. For example, propinquity, the pattern of population distribution, and the direction of prevailing winds would leave either India or Pakistan vulnerable to fallout from its own weapons used against the other, thereby producing a measure of self-deterrence.[5] The wars between India and Pakistan have been exceptional in the degree of restraint shown by both sides. Neither has chosen to bomb civilian targets. A posture of threshold-NWS had already stabilized the status quo.[6] The tests merely 'brought into the open the nuclear reality that had remained clandestine for the past 11 years'.[7]

The putative benefits of universalized deterrence notwithstanding, India's security interests suffered substantial derogation in the aftermath of the nuclear tests. Instead of breaking free from the subcontinent, India found itself bracketed even more tightly with its 'arch-rival'[8] Pakistan. The issue of Kashmir was internationalized as never before and Pakistan did its best to keep Kashmir on the world's front

pages. Where outsiders had worried that Kashmir would be the flashpoint for the next nuclear conflict, it transpired that nuclear testing had become the catalyst for raising the temperature over Kashmir.[9] Far from China being accepted as the point of departure for India's nuclear security policy, Beijing was actively courted by Washington to be a co-manager to contain the nuclear situation in South Asia.[10]

The issue of Kashmir was internationalized as never before and Pakistan did its best to keep Kashmir on the world's front pages.

This might suggest perhaps that Pakistan gained from the twin sets of nuclear tests. Such a conclusion would be erroneous. The tests by Pakistan set in train a chain of consequences whose net effect was to bring to a head the cumulative crises of governance and economy. Pakistan appeared set to become South Asia's first failed state. With insecure borders to the east and north, it was also being torn apart by armed sectarian and subnational groups whose violence threatened not just rival gangs, but the nation as a whole. The agencies of law and order were delivering neither justice nor order. Costs were spiralling out of control, basic necessities were becoming unaffordable for ordinary people, the government was structurally incapable of reforming the tax system and collecting taxes and debts from the politically powerful, and international donors and creditors were leaving. That is, the economy had outspent itself, the state was inadequate to the tasks of governance, and people-centered 'human security' had collided head-on with state-based 'national security'. Pakistan had become 'a nuclear country with a begging bowl'.[11] In the aftermath of the terrorist attacks of 11 September 2001 on the US, far from increasing the room for manoeuvre, the fear of Pakistan's

nuclear weapons falling into the hands of terrorists made the government of Pervez Musharraf hostage to US determination to prevent such an outcome at any cost.

The tests diminished India and Pakistan's net security, economic potential, political influence and international status.

The nuclear crisis compelled Western policy-makers to focus on the India-Pakistan security relativities in a way that they had not done before, with the result that for the first time the disparities began to register on their consciousness. They began to gain an inkling of why India was better paired with China than Pakistan. The latter's economic frailty was in sharp contrast to India's resilience. The China-Pakistan chain of proliferation as the central cause of security concern for India began to be acknowledged. It took the events of 11 September to rehabilitate Pakistan in the family of nations and give it a last-gasp opportunity to pull back from state failure.

The India-Pakistan experience confirms that nuclear weapons confer neither power, prestige, nor influence. A retired senior military officer described the mood in India in 2002 as one of 'despair within and disquiet outside the country'.[12] The tests diminished their net security, economic potential, political influence and international status. South Asians are less secure today. India still lacks effective deterrent capability against China. Pakistan's nuclear capability may be technically superior to India's and better integrated into military doctrine; while India's has greater depth. History and geopolitics make their nuclear equation more unstable than the US-Soviet deterrence in the cold war. Nuclear weapons failed to deter Pakistani infiltration and Indian retaliation and escalation in the two-month war in Kashmir in

1999. They were useless in combating internal insurgency, terrorism, corruption, and South Asia's real problems of poverty, illiteracy and malnutrition.

Condemnation from around the world was proof of just how isolated both countries were in the international community. India does, however, have a higher international profile today. This is despite, not because of nuclear weapons, and rooted in its economic and information technology credentials. Outsiders' negative images are based not on nuclear status, but on daily power shortages, crowded roads, congested seaports, user-hostile airport facilities and personnel, almost non-existent sewage and sanitation facilities, child brides, dowry deaths, caste warfare, religious riots, sectarian killings ...

India seems to have come out of the nuclear closet not in pursuit of any coherent defence strategy, but because 'it was there'. Having tested nuclear weapons first, India then set out to develop a defence doctrine around its self-declared status as a nuclear power. The sense of nuclear drift in India is being replaced with a stress on responsibility and restraint. The rudiments of its strategic posture have begun to emerge: an acknowledgment of the nuclear reality vis-à-vis Pakistan; a 'minimum' deterrent against China based on a 'recessed' or 'virtual' deployment of nuclear weapons; unilateral promises of no use of nuclear weapons against non-nuclear states and no first use against nuclear adversaries; unilateral moratorium on any further testing; a willingness to convert this into a binding obligation under the CTBT in return for a satisfactory outcome of discussions with 'key interlocutors', meaning largely the United States; and a commitment to work

The history and logic of nuclear weapons show little respect for minimalists.

towards a universal, non-discriminatory nuclear weapons convention.

Difficulties remain, not the least because the so-called nuclear doctrine is neither official, legitimate or authoritative. Just what is a 'credible minimum deterrent' that would dissuade nuclear blackmail and coercion and permit second-strike nuclear retaliation? The history and logic of nuclear weapons show little respect for minimalists. Can the contradictions between 'recessed/virtual deterrence' and 'no first use policy' be resolved? The latter requires a credible second strike retaliatory capability: the capacity to absorb a first strike by enemy forces and still be able to launch delivery missiles and precision munitions at designated times on critical targets, such as command and control centers and communications and energy nodes. India will need to develop the Agni missile and extend its range from 2,500 to 5,000 km. In the strategic triad, the best platform for achieving such a capability is strategic submarines. This is especially relevant for India because of historical and geopolitical realities: Britain ruled India because Britannia ruled the waves.

The entire non-proliferation regime is not in danger of imminent collapse... Yet, not one country that had nuclear weapons when the NPT was signed in 1968 has given them up.

At the same time, the tests unmasked the Alice in Wonderland nature of the NPT where words mean whatever the nuclear haves choose them to mean. India and Pakistan could make, deploy and use nuclear weapons, but would not qualify as nuclear powers under the NPT because they did not test before 1967. If one of the existing five gave up nuclear weapons, it would still be a nuclear power.

Nevertheless, the entire non-proliferation regime is not in danger of imminent collapse. The tests did not produce fresh countries of proliferation concern. We are still stuck with the same NPT rejectionists and cheats. Most countries signed the NPT because they believed their security needs were better met through rejection than embrace of nuclear weapons. For India, the NPT is illegitimate because it is a denial of the equality of opportunity to proliferate; for most the regime is valuable for providing security from proliferation and the promise of disarmament.

The ABM Treaty really was a mutual suicide pact.

The tests also confirmed the identical logics of non-proliferation and disarmament. Nuclear weapons are neither necessary (witness Germany and Japan) nor sufficient (Pakistan and North Korea) to be an effective player in modern diplomacy. Yet, not one country that had nuclear weapons when the NPT was signed in 1968 has given them up. They preach nuclear abstinence but practice otherwise. In efforts to curb nuclear proliferation, the five permanent members also being the five nuclear powers compromise the authority of the UN Security Council as the core of the international law enforcement system. From the point of view of a rational defence doctrine, Britain and France have even less justification for nuclear weapons than either India or Pakistan.[13]

National missile defence

The existing architecture of nuclear arms control, including the NPT, reflects a cold war-centered world that is forever gone. Much of the negative reaction to the Bush plan for a national missile defence was a knee-jerk reaction to yesterday's strategic certainties being challenged and discarded.

National missile defence will promote nuclear and missile proliferation.

Today's strategic landscape is totally different. Both the Soviet Union and the cold war belong to the dustbin of history. The strategic deterrence had rested on the ability of each side to survive a nuclear attack and hit back hard with remaining nuclear weapons. The ABM Treaty really was a mutual suicide pact. Russia is a shrinking and fading power. India and Pakistan are self-declared nuclear powers whose status cannot be acknowledged within the make-believe world of the NPT. The US has no peer competitor. Its nuclear stockpile bears no relation to today's threats. It is a historical deadweight acting as a drag on a sensible defence policy for today's world. President Bush actually intends to make good on the NPT promise of cutting back on nuclear arsenals decisively, though keeping them in active/inactive reserves may make the reductions more illusory than real. It would surely be criminally negligent of any president not to authorize a defensive system that actually worked and guaranteed the safety of US citizens against enemy attack.

Nevertheless, there are four major problems. First, just because the old policy was a relic of the cold war does not mean that any replacement is automatically better attuned to the contemporary beat.

Second, the plan will promote nuclear and missile proliferation. Purely on prudential calculations, China will have little choice but to respond by modernizing its nuclear arsenal, enlarging its nuclear stockpile, and investing in the technology of multiple warheads (MIRVs) that can hit separate targets independently. If China embarks on nuclear force modernization and expansion, the domino effects will surely

spread to the Indian subcontinent, and there may also be repercussions in East Asia itself.

NATO leaders never did grasp that their war against Slobodan Milosevic was a major proliferant for many countries worried about newfound Western 'humanitarian' assertiveness. In 1999, China questioned whether NATO would have bombed Milosevic if he had nuclear weapons. In 2000, it argued that simply criticizing China for exporting missiles focused on the supply problem while ignoring the demand side of the equation that was fuelled by the use of large numbers of missiles by NATO in Kosovo. In 2001, it argued that the real agenda behind the NMD was to make the US invulnerable to attacks from anyone that Washington wished to punish, as happened in Kosovo. NMD is an insurance to underpin an essentially hostile and interventionist US policy, not a defensive shield. Moreover, NMD consists of missiles shooting incoming missiles. The construction of a worldwide anti-missile shield requires the spread—that is, the proliferation—of sophisticated missile technology and equipment by the US to selected allies. So, all in all, the up-front costs will be to increase the very threat against which NMD is meant to be a shield.

The third problem is that the shield may not even work—we just do not know. The results so far, under the best of controlled conditions, have been less than stellar. There are three loopholes. Technical difficulties could seriously undermine its capacity to detect, intercept and destroy incoming enemy missiles. Enemy countries may not cooperate by keeping their arsenals to existing technological levels and numbers that allow total destruction in

[On tests of the NMD system] The results so far, under the best of controlled conditions, have been less than stellar.

flight. Instead, they would dedicate themselves to finding ways and means of breaching or circumventing the shield. 'Rogue' actors with the capacity and will to use the world's most destructive weapons on American targets may choose means of delivery other than missiles (suitcase bombs, commercial planes, even their own bodies).

The final set of problems has to do with strains in relations with many allies and friends around the world who are deeply dubious of the whole concept and deeply apprehensive of its impact on nuclear peace.

Nuclear Posture Review: Is preemption better than cure?

The terrorist attacks of 11 September 2001 have, if anything, freed American policymakers of any need to accommodate international concerns. The NMD debate seems almost ancient. Now we have talk of taking out 'weapons of mass destruction' in the hands of rogue regimes before they have the capacity to use them. If the NMD reflected 'a la carte' multilateralism, the NPR is a regression to 'disposable multilateralism'.

If the NMD reflected 'a la carte' multilateralism, the NPR is a regression to 'disposable multilateralism'.

How do we justify the paradox of using a weapon of mass destruction to stop others from acquiring them? America emerged from 11 September as a nation inflamed, a nation enraged, and a nation aroused. The tragedy inflicted on the American body politic a pain that will not sleep, and aroused anger in the Bush administration that will not easily be appeased. The world grieved with America, understood its pain, shared its anger, and generally

supported the ensuing 'war on terrorism'. The sympathy and goodwill is in danger of being dissipated in the midst of two sets of anxieties.

The unique properties of nuclear weapons means that they will continue to play critical roles... but have they advanced up the ladder of escalation from the weapon of last resort to the weapon of choice?

On the one hand, it has been nothing short of a revelation to realize just how many governments have been engaged in waging wars on terrorism, rather than in suppressing opponents, dissenters and other assorted trouble makers by less than gentle means. If Washington fails to focus on the anti-democratic parasites free-riding on the back of the US war on terror, it may win all the battles yet still lose the war.

On the other hand, there is growing international unease that under the cover of the language of the war on terrorism, the Bush administration is changing the agenda to dealing with unfinished business in Iraq and resorting to payback time in places like Somalia. This is made possible by the military successes in Afghanistan based on long-distance, over-the-horizon warfare utilizing unmatched technological advances and local warrior allies. The US can do today what was not within its grasp in earlier times. In the Gulf, Kosovo and Afghanistan wars, it was the critics who turned out to be still fighting the last war; the generals had moved decisively and brilliantly to prepare for the next one.

But does contemplating and preparing for the use of nuclear weapons with lower yield and reduced fallout, including the so-called 'earth penetrator', constitute a preparatory step too far? The series of public policy speeches and pronouncements, combined with curiously timed leaks,[14] reveal a pattern of preparing the political ground for a military offen-

sive against Iraq in the foreseeable future. More worryingly, they suggest the possibility of nuclear weapons being used to launch clinically effective strikes. During the cold war, large numbers of US nuclear warheads were aimed at fixed enemy targets. Under the proposed new targeting system called 'adaptive planning' based on 'offensive deterrence', Washington would have the option of launching a preemptive strike with precision-guided conventional bombs or 'special-purpose nuclear weapons' against hostile countries that posed a threat of 'WMD' attack on the US.

The NPR has the great merit of trying to reconcile the reality of nuclear weapons with operational military doctrines. The unique properties of nuclear weapons means that they will continue to play critical roles. Their military-political utility ranges from assurance of allies and friends to dissuasion of competitors, deterrence of aggressors and defeat of enemies. But in the process have nuclear weapons advanced up the ladder of escalation from the weapon of last resort to the weapon of choice, and has the underlying defence doctrine changed from the cold war's mutual assured destruction to the post-cold war's unilateral assured destruction?

In his state of the union address in January 2002, US President George W. Bush declared that an Iraq-Iran-North Korea 'axis of evil' threatened the peace and welfare of the world. He insisted that the US would not permit the world's most dangerous regimes to acquire the world's most destructive weapons. The language and the message were repeated during his East Asian tour in February. And now we have the leak of the Nuclear Posture Review (NPR) which identifies countries against whom contingency plans have been drawn up for the use of nuclear weapons: China, Iran, Iraq, Libya, North Korea, Russia and Syria, and, in the event of sudden regime changes, possibly also India and Pakistan.[15]

Language is not always neutral, and often contains powerful codes of permissible and impermissible behaviour. The constant reference in recent times to the risks posed to America from 'weapons of mass destruction' may well comprise part of the political-psychological strategy of making the US use of nuclear weapons more acceptable to American public opinion.

In the NPT, the non-nuclear countries gave up their right to nuclear weapons in return for two sets of promises from the NWS. First, the NWS promised to reduce and eventually eliminate their own nuclear weapons. Second and subsequently, they pledged never to use nuclear weapons against non-nuclear-weapons states parties to the NPT (unless attacked by such a state in alliance with a NWS): the so-called negative security guarantees. The NPR explicitly endorses the utility of nuclear weapons, which will be a powerful stimulus to others contemplating their acquisition; and implicitly repudiates the NPT double bargain, which will weaken the normative constraint on others wishing to acquire them. In consequence, we will live 'in a far, far more dangerous world, and the United States will be much, much less secure'.[16]

By proliferation I mean the dispersion of weapons, capabilities and technologies. Weapons can be sought for one or more of six reasons: deterrence of enemy attack; defence against attack; compelling the enemy to one's preferred course of action; leveraging adversary and great-power behaviour; status; and emulation.[17] Specific causes of proliferation are many, diverse and are usually rooted in a local security complex. On the supply side, a major proliferation challenge is the globalization of the arms industry, the flooding of the global arms market and a resulting loosening of supplier constraints.

The effort to expand the role of nuclear weapons as a counter to the development or acquisition of WMD by US-

hostile states is a threat to arms control, disarmament and non-proliferation. It is not clear whether biological, chemical and nuclear weapons belong in one conceptual category. Looking at the longlasting and particularly traumatic conflicts in Africa and Asia (Afghanistan, Angola, Cambodia, Mozambique, Rwanda, Sierra Leone), it is clear that the real weapons of mass destruction are small arms and landmines. Light arms are the weapons of choice in today's characteristic conflicts because they are inexpensive, extremely user-friendly, easily concealed and smuggled across borders, rugged and durable, easy to dismantle and reassemble, highly mobile and portable, and extremely lethal.

There is also the danger of mission creep for nuclear weapons. The taboo against nuclear weapons use is so strong that it is difficult to imagine their use other than against enemy nuclear weapons. The creeping tendency to redefine their mission to counter WMD has two consequences: it lumps together biological, chemical and nuclear weapons in one conceptually fuzzy category; and it weakens the nuclear taboo. The military utility of chemical weapons is limited to the tactical level, and they have never played a decisive role in determining the outcome of a war. While biological weapons can theoretically be conceived of as a strategic weapon, in practice, there has never been a single case of such use. If it is accepted that nuclear weapons have a role to counter biological-chemical warfare, then by what right or logic can we deny a nuclear weapons capability to a country like Iran which has actually suffered chemical weapons attacks?

In other words, mission creep carries the attendant danger of cross-category horizontal proliferation. The clandestine nature of all biological-chemical weapons programmes suggests that, unlike nuclear weapons, no prestige value is attached to them. They have been so successfully stigmatized and evoke such universal revulsion that they are

not a source of national pride. This should lead us not into the temptation to legitimize a new role for nuclear weapons in combating the scourge of biological and chemical weapons. The fact that nuclear weapons have not been used since 1945 in itself contains one of the most powerful taboos against their use today.

Realistically, we have to choose from a menu of four options with regard to WMD: universalization of these weapons through laissez-faire proliferation; the NPT solution of haves and have-nots; differentiated proliferation; and universal abolition.

With the terrorist attacks of 11 September 2001 American minds focused on the potential of WMD terrorism. A world in which anyone who wanted to and could get WMD, was allowed to do so, would be a far more dangerous place for all of us, including the US. No one seriously advocates letting WMD market forces triumph in order to level the killing fields for the whole world.

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In 1968, the world accepted the nuclear apartheid of the NPT. Because of changed political sentiments since 1968, and because in bio-chemical weapons it is the 'rogue states' whose status as de facto possessors would be legitimized, and because of the world's experience with the nuclear powers with regard to their failure to honour their side of the NPT bargain, the NPT solution too has no current constituency.

The logic of many recent US statements points implicitly to the third option. The leaked NPR confirms that Washington may be targeting specific regimes, not all those who may be pursuing WMD programmes. In effect Washington has decided to divide WMD possessors and seekers into US-friendly (UK, Israel), US-neutral (India?) and US-hostile (the axis of evil countries).

The fourth option is the total elimination of all WMD (and their means of delivery) for all countries, under internationally negotiated, verifiable, and universally applicable treaties. We already have this situation, at least in theory, with regard to biological and chemical weapons; what will be required will be the negotiation of a parallel Nuclear Weapons Convention, plus one dealing with missiles.

This has the merit of non-discrimination, simplicity, and comprehensiveness. But, sadly, it also has the great defect of unreality, at least in the foreseeable future. The circuit breaker in the cycle of nuclear powers is the US. Far from retreating from nuclear weapons, Washington is refining the critical roles that it continues to play in its defence doctrines and strategies, as the NPR makes clear. As long as the US retains them, neither China nor Russia will give them up, so without China there will be no India, hence no Pakistan.

But can the threshold of nuclear weapons use be lowered, as contemplated in the NPR, without thereby also lowering the threshold of nuclear proliferation? We have recently had threats from Ichiro Ozawa of the Liberal Party that even Japan—he emotional touchstone of anti-nuclear sentiment because it remains the only country to have been the victim of the use of nuclear weapons as instruments of war—could easily make thousands of nuclear weapons, and China should not forget this.[18] While Mr. Ozawa mentioned a figure of 3,000–4,000 nuclear warheads, some anti-nuclear researchers, who have sometimes described Japan as a virtual nuclear-

weapons power, place the figure as high as 7,000 warheads. This is unlikely to produce a cutback in the Chinese nuclear arsenal.

Thus the only viable option would appear to be, rather than a universal policy, a differentiated one that discriminates between the virtuous and the vile proliferation sensitive countries and groups. This seems to be the only way that we can solve the apparent paradox of threatening, as in the NPR, to use one type of WMD (nuclear weapons) to stop some others from acquiring any one of the three types of WMD.

Such a nuanced categorization may fit reality better; but will it inhibit or accelerate uncontrolled proliferation? It has the merit of intellectual honesty, but is it sustainable politically? How can it be introduced or imposed as a WMD management regime? How will compliance be enforced?

This is where the in-your-face rejections of multilateral regimes by Washington have been so damaging to its own long-term interests. Do American policy-makers really believe that they can construct a world in which all others have to obey universal norms and rules, but Washington can opt out whenever, as often, and for as long as it likes on global norms with respect to nuclear tests, landmines, international criminal prosecution, and climate change regimes—all of which, incidentally, were negotiated in and reflect the post-cold war world? Alternatively, do they really believe that a world in which every country retreated into unilateralism is a better guarantee of US national security now and forever than multilateral regimes?

If the US works hard at the message that it believes in multilateralism, including the pursuit of essentially national interests through multilateral regimes, then more friends and allies may work to mute the rising tide of hostility toward US

exceptionalism, which rests on its self-conception as a virtuous power that should not be bound to rules that apply to everyone else.

A late but not widely lamented New Zealand prime minister introduced strict currency controls in the early 1980s. When asked if the fixed rate was not out of line with market reality, he responded that the value of the New Zealand dollar was exactly right; all other currencies were out of line. Washington is in danger of boxing itself into a similar absurdity.

Of nuclear realism and idealism

Looking at the full picture, we face four nuclear choices in the new millennium: the status quo, proliferation, nuclear rearmament, or abolition.[19]

A restoration of the 1995 status quo would require a rollback of nuclear weapons by India and Pakistan, and only them. Trying to denuclearize South Asia is as unrealistic as demanding nuclear abolition immediately. It cannot be achieved by finger wagging at their nuclear naughtiness. The 1998 tests confirmed the folly of believing that five powers could indefinitely retain their monopoly over one class of weapons.

The belief that eight countries can retain a nuclear monopoly defies common sense, logic and all known human history.

Similarly, the belief that eight countries can retain a nuclear monopoly defies common sense, logic and all known human history. The Canberra Commission had argued that the case for the elimination of nuclear weapons was based on three propositions: their destructive power robs them of military utility against other NWS and renders them politically and morally indefensible against non-NWS; it defies creduli-

ty that they can be retained in perpetuity and never used either by design or inadvertence; and their possession by some stimulates others to acquire them.[20] NATO's war over Kosovo sent a chill of apprehension down the spines of many developing countries which have their own secessionists. Who will be the next target of intervention by tomorrow's international moral majority? The experience of a rampant Western coalition simply bypassing the United Nations to violate the norm of non-intervention caused massive disquiet and unease and made many countries more determined to upgrade their national defence preparedness. They might become interested in nuclear warheads and missiles as leveraging weapons.

If the NPT status quo is already history, and the risks of arms control reverses and proliferation are real, then we must either accept a world of more nuclear weapons and more nuclear powers, or move to a nuclear-weapon-free world. There is no third way.

It is difficult to convince some of the futility of nuclear weapons when all who have such weapons insist on keeping them. The case for independent British and French nuclear deterrent forces is not compelling. Another circuit breaker in the countervailing nuclear-weapons capability spiral is the US. If its case to retain nuclear weapons is persuasive, then by all objective analysis it should be even more persuasive for those countries that live in insecure neighbourhoods and lack the panoply of conventional military tools, underpinned by the revolution in military affairs available to Washington.

Also, the best way to keep nasty weapons out of the hands of nasty groups is to keep them out of the hands of governments.

The NPT is tied to a frozen international power structure decades out of date. It had become dangerously fragile because of the vertical proliferation of the nuclear powers for

two decades, before they reconstructed the structure of cooperation in nuclear peace, called a halt to their proliferating arsenals, and began progressively to dismantle them under the virtuous cycle of mutually reinforcing unilateral, bilateral and multilateral arms control agreements and policies. The road towards the nuclear-free destination includes still deeper reductions in nuclear arsenals; further constraints on the extra-territorial deployment of nuclear weapons; the entry-into-force of the CTBT; ban on missile test flights and on the production of fissile materials; and de-alerting and de-mating of nuclear forces, warheads and missiles.

The global public goods of peace, prosperity, sustainable development and good governance cannot be achieved by any country acting on its own.

Such scenarios typically provoke dismissive comments from self-styled 'realists'. *Realistically speaking*, is there another option beyond those identified here? If not, then which is the most preferred option: status quo, proliferation, nuclear rearmament, or abolition? As with Winston Churchill's famous aphorism on democracy, the abolitionist option may well be unrealistic; all other conceivable options are even more unrealistic as strategies of security and survival.

Confronted with a world that cannot be changed, reasonable people adapt and accommodate. The turning points of history and progress in human civilization have come from those who set out to change the world. The only guarantee against the threat of nuclear war is the complete elimination of nuclear weapons. In most contexts, a step-by-step approach is the best policy. Such caution can be fatal if the need is to cross a chasm; a leap contains the better promise of reaching

the safety of the other shore. In the case of nuclear weapons, the chasm over which we must leap is the belief that world security can rest on weapons of total insecurity.

The United Nations

The United Nations is the forum where idealism and realism meet, where separate national interests are reconciled somehow into the international interest. The UN contribution to 'sustainable disarmament'[21] will be most effective when it succeeds in building collective political will:

- for setting standards, establishing norms and concluding conventions;
- for strengthening and expanding the global non-proliferation regimes as vital defences on a non-discriminatory basis until the underlying causes of proliferation can be addressed and eliminated;
- for eliminating all biological, chemical and nuclear weapons as well as reducing drastically the manufacture, trade and use of small arms;
- for improving global and regional security climates through a variety of venues and modalities;
- for channelling resources from arms acquisition to sustainable development projects.

The UN's greatest strength is that it is the only universal forum for international cooperation and management. The global public goods of peace, prosperity, sustainable development and good governance cannot be achieved by any country acting on its own. It is still the symbol of our hopes and dreams for a better world, where weakness can be compensated by justice and fairness, and the law of the jungle replaced by the rule of law.

The global coalition to combat threats to international security, of any type, is already in place. We call it the United Nations. Even the war on terrorism requires international cooperation among law-enforcement, drug enforcement, border control and financial regulatory authorities. Such multinational cooperation in turn is greatly facilitated by international agreements, rules and regimes, and the UN lies at the center of contemporary institutions of global governance. There is a fresh opportunity to rededicate the terms of American engagement with the international community in protecting the world from deadly new threats immune to conventional tools of statecraft. The nation of laws must turn its power to the task of building a world ruled by law. An order that is worth protecting and defending must rest on the principles of justice, equity and law that are embedded in universal institutions. Borrowing language from the UN Intellectual History Project,[22] the United Nations can serve as the font of international authority for disarmament regimes and implementation, the forum for disarmament discussion and negotiation, and the funnel for processing disarmament ideas, ideals and initiatives into authoritative norms and practices.

Notes

[1] See Ramesh Thakur, ed., *Nuclear Weapons-Free Zones* (London/New York: Macmillan and St. Martin's Press, 1998).

[2] See Ramesh Thakur, 'The Last bang before a total ban: French nuclear testing in the Pacific', *International Journal* 51:3 (Summer 1996), pp. 466–86.

[3] Richard Price and Nina Tannenwald, 'Norms and Deterrence: The Nuclear and Chemical Weapons Taboos', in Peter J. Katzenstein, ed., *The Culture of National Security: Norms and Identity in World Politics* (New York: Columbia University Press, 1996), pp. 114–52. Ironically, Price and Tannenwald echo the Indian argument that the NPT regime legitimizes the possession of nuclear weapons in the hands of five countries (p. 142).

[4] Kenneth N. Waltz, *The Spread of Nuclear Weapons: More May Be Better* (London: International Institute for Strategic Studies, Adelphi Paper 171, 1981).

[5] S. Rashid Naim, 'Asia's Day After: Nuclear War between India and Pakistan', in Stephen P Cohen, ed., *The Security of South Asia: American and Asian Perspectives* (Urbana: University of Illinois Press, 1987), pp. 260–69.

[6] See Devin Hagerty, *The Consequences of Nuclear Proliferation: Lessons from South Asia* (Cambridge: MIT Press, 1998).

[7] Jaswant Singh, 'Against Nuclear Apartheid', *Foreign Affairs* 77:5 (September/October 1998), p. 49.

[8] Almost all news accounts used this phrase *ad nauseam* in discussing the nuclear developments.

[9] In my view, any solution to Kashmir will have to find a balance between four propositions: (i) Kashmir is not simply a territorial dispute between two states; rather, it is a symbol of three competing nationalisms: the territorial nationalism of the Kashmiris, the Islamic nationalism of Pakistan, and the secular nationalism of India; (ii) Pakistan has no interest in a bilateral solution if it can succeed in internationalizing the dispute; (iii) India can retain Kashmir indefinitely against the force of Pakistan; but (iv) it cannot do so forever against the wishes of the Kashmiri people. See Ramesh Thakur, *The Politics and Economics of India's Foreign Policy* (London: C Hurst, 1994), pp. 48–61.

[10] This provoked almost uncontrolled fury among Indian commentators: 'The President of the world's most powerful democracy has spent a remarkable nine days prostituting himself in the world's most powerful autocracy. ... when he is not coddling young women, he is coddling dictators. Mr Clinton's escape from Monicaland to dragonland helped put his character on public display: Not only did he coddle, he kowtowed and fawned ...', Brahma Chellaney, 'Dealing with Beijing-Washington axis', *Pioneer* (Delhi), 8 July 1998. For a more measured critique, see Michael Yahuda, 'Unrealistic Premises Will Sink This "Beijing-Washington Axis"', *International Herald Tribune*, 4–5 July 1998.

[11] A senior Pakistan government official quoted in Christopher Thomas, 'Nuclear power forced to rattle its begging bowl', *Times* (London), 26 August 1998. See also Paula R. Newberg, 'Putting a halt to Pakistan's descent toward default', *Japan Times*, 13 August 1998.

[12] V. R. Raghavan, 'India's nuclear balance sheet', *Hindu* (Chennai), 7 May 2002.

[13] See Ramesh Thakur and Ralph Cossa, 'Britain, India and Pakistan Could Start a Disarmament Club', *International Herald Tribune*, 11 July 1998.

[14] The leaks may of course be inspired from within the administration in order to convince potential adversaries that Washington is both able and willing to use nuclear weapons against them.

[15] Sent to Congress on 31 December 2001, the NPR remains classified. Excerpts were leaked and widely reported and analyzed by the US and world media in March 2002. For excerpts, see www.globalsecurity.org/wmd/library/policy/dod/ npr.htm.

[16] Robert S. McNamara and Thomas Graham, 'Nuclear weapons for all?', *International Herald Tribune*, 14 March 2002.

[17] This is developed more fully in Ramesh Thakur, 'Arms Control, Disarmament, and Non-Proliferation: A Political Perspective', in Jeffrey A. Larsen and Thomas D. Miller, eds., *Arms Control in the Asia-Pacific Region* (Colorado Springs: USAF Institute for National Security Studies, US Air Force Academy, 1999), pp. 39–61.

[18] As reported in the *Japan Times*, 6 April 2002.

[19] This section summarizes the argument in Ramesh Thakur, 'Envisioning Nuclear Futures', *Security Dialogue* 31:1 (March 2000), pp. 25–40.

[20] *Report of the Canberra Commission on the Elimination of Nuclear Weapons* (Canberra: Department of Foreign Affairs and Trade, 1996), pp. 18–22.

[21] See Ramesh Thakur, 'Sustainable Disarmament', in

Carl Ungerer and Marianne Hanson, eds., *The Politics of Nuclear Non-Proliferation* (St. Leonards: Allen & Unwin Australia, 2001), pp. 11–30.

[22] For a description of the UNIHP, see its first volume: Louis Emmerij, Richard Jolly and Thomas G. Weiss, *Ahead of the Curve? UN Ideas and Global Challenges* (Bloomington: Indiana University Press, 2001). I am a member of UNIHP's International Advisory Council.

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Nuclear disarmament and the elimination of nuclear dangers

*Hans-Joachim Daerr**

Extract

... today's threats to security and stability have become less predictable and require at the same time a joint response. They illustrate the need for a new international order organized around shared values, common norms of behaviour and the rule of law. Disarmament, arms control, and non-proliferation are indispensable elements of this cooperative international order... We have to make sure that the functions that are today attributed to nuclear weapons become dispensable ... Nuclear disarmament is the counterpart of the renunciation of nuclear weapons by non-nuclear-weapons states. This bargain must not be undermined ... The NPT is no licence to perpetuate the status of the nuclear "haves" versus the nuclear "have nots."

The security situation has changed dramatically over the last 15 years. The threat of nuclear annihilation that has dominated strategic thinking throughout the cold war period, has moved onto the sidelines. A new relationship based on trust and cooperation has started to evolve between the former adversaries since the late eighties. The United States and Russia are in the process of fundamentally recasting their strategic relationship, a fact which became apparent at the US-Russian Summit Meeting in Washington and Crawford in November 2001.

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However, we have not seen the "end of history". Rather we have seen a different and in many ways more complex security situation arising after the end of the cold war: The conflict potential at a regional level has increased dramatically, not least due to the emergence of ethnic, religious and national tensions and disputes which previously could not escalate into armed conflicts because of the predominant East-West confrontation. A matter of particular concern, indeed a hallmark of the more uncertain security environment that we find ourselves in, is the continuing proliferation of weapons of mass destruction and their means of delivery. Finally, the insidious and heinous terrorist attacks of 11 September have demonstrated a new dimension of threat, a challenge to the whole civilized world. They have also increased the awareness of the risk of non-state actors gaining access to weapons of mass destruction, related materials and means of delivery.

Disarmament and non-proliferation are not separate goals but can only be pursued jointly and not at each others' expense.

Consequently today's threats to security and stability have become less predictable and, at the same time, require a joint response. They illustrate the need for a new international order organized around shared values, common norms of behaviour and the rule of law. Disarmament, arms control and non-proliferation are indispensable elements of this cooperative international order.

Nuclear disarmament

Nuclear disarmament is no less topical today than it was during the cold war. Not only do we have to prevent nuclear terrorism, but we must also address the question of

stability in the strategic relationship between the NWS. Moreover, India and Pakistan's nuclear tests should have served as a "wake up-call" alerting us to persisting nuclear ambitions and drawing attention to the severe risks of new nuclear arms races at a regional level.

The Non-Proliferation Treaty (NPT) remains the cornerstone of nuclear non-proliferation. It is also the foundation for global nuclear disarmament as it contains a formal legal commitment by the nuclear-weapons States to that end. Clearly, the NPT has established a firm relationship between disarmament and non-proliferation. These two are not separate goals but can only be pursued jointly and not at each others' expense.

The ultimate goal of nuclear disarmament must be the total elimination of nuclear weapons. There is a simple but convincing rationale for this: while nuclear weapons exist, the risk of their disastrous use and uncontrollable proliferation also exists. The attainment of this goal requires conscientious preparation and far-reaching agreements regarding verification, transparency and enforcement. Thus, for example, we need a reliable inventory of all nuclear weapons and all stocks of fissile material usable for military purposes in order to prevent the breakout of individual states from a universal prohibition of nuclear weapons. We have to put in place effective verification measures to assure all states that all nuclear weapons are destroyed and none of the existing nuclear-weapon States (NWS) maintains a capability which allows it to abandon the prohibition regime

We need an incremental approach which—gradually and inexorably—leads to the achievement of the ultimate goal of the total elimination of nuclear weapons.

at short notice. Finally, we have to be certain that a prohibition of nuclear weapons does not result in the outbreak of large scale conventional wars or a revaluation of chemical and biological weapons.

These considerations clearly militate against sweeping demands for the immediate conclusion of a nuclear weapons convention and a fixed timetable for the abolition of nuclear weapons. Instead, we need an incremental approach which—gradually and inexorably—leads to the achievement of the ultimate goal of the total elimination of nuclear weapons. Steps leading to this goal have been spelled out in the Final Document of the 2000 NPT Review Conference. The thirteen practical steps for the systematic and progressive implementation of Article VI of the Final Document—as the agreed interpretation of this article by all States Parties—represent the action programme and the performance benchmark for the disarmament process. It is of paramount importance that the credibility of the disarmament process is maintained at all times, that it progresses along the lines of the precharted course and that it remains irreversible.

The thirteen practical steps for the systematic and progressive implementation of Article VI of the Final Document represent the action programme and the performance benchmark for the disarmament process.

Lately, there have been serious concerns about the state of the nuclear disarmament process and the bearing it will have on the stability and coherence of the nuclear non-proliferation regime. There have been quite a few contributing factors, among them: the failure of the Conference on Disarmament (CD) to discuss nuclear disarmament and start negotiations on a Fissile Material Cut-Off Treaty (FMCT), dim prospects for an early entry into force of the

Comprehensive Test Ban Treaty (CTBT); a US tendency to go for maximum flexibility in questions of strategic offence and defence as well as the impression—fostered by the South Asian nuclear tests along with the modernization programmes of some NWS—that nuclear weapon programmes are not in retreat, but that there is a revived interest in them.

A remarkable absence of serious strategic rivalry is one of the most significant characteristics of today's international order.

This situation should not prompt resignation but be taken as a call for urgent and determined action. We have to muster the common resolve to unswervingly pursue the course charted in the action programme agreed at the 2000 NPT Review Conference. The general conditions for the pursuit of nuclear disarmament are not necessarily bad: the role of nuclear weapons has been significantly downgraded in East/West relations, and the events of 11 September and their aftermath have highlighted the need to address the risk posed by weapons of mass destruction. Finally, we can diagnose a remarkable absence of serious strategic rivalry, which is one of the most significant characteristics of today's international order. Provided there is leadership by NWS, this could be a window of opportunity for cooperative approaches to security in general and the pursuit of nuclear disarmament and strategic stability in particular.

Agenda for nuclear disarmament

Some key issues on the agenda for nuclear disarmament include:

- **Universality of the NPT**: While the NPT has become a near universal treaty, four states with at least partly un-safeguarded nuclear facilities

remain outside it. India and Pakistan are quite obviously engaged in the early stages of nuclear rivalry that does not benefit from the kind of strategic stability that has prevailed between NATO and the Warsaw Pact throughout most of the cold war. Not only the serious dangers of a nuclear exchange between the two states, but also the potentially negative implications for nuclear non-proliferation should prompt us, in line with Security Council resolution 1172, to deny Pakistan and India the status of NWS and maintain the unambigious demand on both sides to roll back their programmes and to join the NPT as non-NWS. Another source of concern is the Middle East, where no progress as yet has been achieved to further the objective of establishing a zone free of nuclear and all other weapons of mass destruction and their delivery systems. In view of the instability and tension in the region, progress on this issue is long overdue. The states which have established nuclear-weapon-free zones in Latin-America and the Caribbean, in Africa, in Southeast Asia and in the South Pacific have set an example: that the security situation in these nuclear-weapon-free zones which virtually cover the entire Southern hemisphere has improved, testifies to the benefits which accrue to all states participating in such arrangements.

- **CTBT**: We should not be disheartened that the conditions for the treaty's entry into force seem unlikely to be met soon. Nor is there any reason for resignation or for lowering our sights. We should remain unwavering in our commitment to the CTBT and our demand for its early entry into force. The Conference on Facilitating the Entry

into Force of the CTBT, held in New York in November 2001, was again proof of the overwhelming degree of support for this treaty. China and the United States now bear a special responsibility for bringing the CTBT into force. One should not wait for the other to ratify, but hope for leadership by example. In the face of the currently unfavourable prospects for an early entry into force of the CTBT, the maintenance of the declared moratoria on nuclear weapons tests is of paramount importance. A resumption of testing would cause serious damage to the NPT, which remains - and I would like to stress this once again – the key norm of reference in our fight against nuclear proliferation. Those that might contemplate such plans should be fully aware of the incalculable consequences that a renunciation of the moratoria would have.

- **Fissile Material Cut off Treaty**: Efforts to re-establish an ad hoc commitee in the CD mandated with the negotiation of an FMCT have so far been unsuccessful. This is particularly regrettable as an FMCT is the next logical step in the nuclear disarmament process addressing the key ingredient of nuclear weapons. Furthermore, in the wake of the terrorists attacks of 11 September there is an increased urgency to address the issue of fissile materials in a way that effectively counters the risk of that material being acquired by terrorist groups. Indeed we still lack an overall coherent approach to fissile material. The dimension of the problem is illustrated by the fact that existing stockpiles of weapon-usable highly enriched uranium and plutonium amounts to more than 3000

metric tons. Thus, we should focus our attention on the security and disposition of excess stocks. While we share the concerns about an arms race in outer space, we oppose a linkage between this issue and the FMCT. At a time when there are complaints about the lack of progress in multilateral arms control, such a linkage is even more difficult to understand. We should make progress wherever possible. An ad hoc commitee on FMCT should be established without further delay: agreement on its mandate was reached in 1998 and only needs to be renewed. Only in this way will we be able to overcome the stalemate in the CD and recreate momentum in the nuclear disarmament process.

- Reduction of strategic offensive arms: The two major NWS have significantly reduced their strategic nuclear weapons over the last one and a half decades. By the end of 2001, both had drawn their numbers of nuclear warheads and means of delivery down to the START I ceilings. While the START II Treaty has seemingly failed, since January 2002, the two NWS have embarked on the ambitious undertaking to reduce their respective strategic stockpiles to 1700 to 2200 warheads over the next decade. I hope that it will prove possible to conclude a binding, verifiable and irreversible agreement on the reduction to these levels by the time of the planned US-Russian summit meeting in May. Such an agreement could give an important and badly needed impetus to the NPT review process in the run-up to the next NPT Review Conference in 2005.

- Substrategic nuclear weapons: Traditionally the agreements of the two major nuclear powers had primarily focused on reductions in their strategic arsenals. Still, there has not been a legally binding instrument on tactical nuclear weapons. The unilateral Presidential Nuclear Initiatives of 1991 and 1992 have not precluded uncertainties regarding the implementation of the commitments contained therein. We therefore advocate filling the existing gap and calls for the early conclusion of a binding and verifiable disarmament agreement on this weapon category which is of particular significance for European security. Pending such an agreement, we hope that measures are taken to provide for enhanced transparency and increased security of existing stockpiles of tactical nuclear weapons deployed in Europe.

Reduction of nuclear danger

We should not limit our discussion to the key issues on the agenda for nuclear disarmament, nor should they detract from the other aspects needed to achieve a nuclear-weapon-free world. A crucial aspect is the reduction and elimination of nuclear dangers while nuclear disarmament is underway. Such dangers are inherent in the very existence of nuclear weapons and a matter for which NWS are accountable to the rest of the world. A key concern in this regard is the security and safety of existing stocks, their protection against theft and their safe destruction.

Nuclear dangers are also the subject of GA resolution 56/24C. This resolution refers to a proposal contained in the United Nations Millennium Declaration for convening an

international conference to identify ways of eliminating nuclear dangers, and it specifically calls for a review of nuclear doctrines, immediate steps to reduce the risks of unintentional and accidental use of nuclear weapons as well as measures to prevent the proliferation of nuclear weapons in all its aspects and to promote nuclear disarmament. The resolution as drafted thus implies a broad interpretation of the term nuclear dangers.

Such dangers are inherent in the very existence of nuclear weapons and a matter for which nuclear-weapon States are accountable to the rest of the world.

The report of the UN Advisory Board on Disarmament Matters referred to in the resolution contains a number of interesting ideas and recommendations. In our view, these should be the subjects of discussion in the strengthened review process for the NPT. In light of the far-reaching requirements for transparency and confidence-building—indispensable prerequistes for achieving a nuclear-weapon-free-world—we would support the proposed exchange of information on nuclear postures and doctrines as well as a discussion on the issue of de-alerting of nuclear weapons. Other issues like the risk of nuclear terrorism and measures aimed at preventing non-state actors from gaining access to nuclear weapons, radioactive materials and delivery means could also be usefully discussed in the forthcoming session of the Preparatory Committee of the NPT Review Conference.

General and complete disarmament

As stated at the outset, nuclear disarmament is not to be seen as an end in itself. It cannot be pursued in isolation. Article VI of the NPT clearly embeds nuclear disarmament in

the broader context of general and complete disarmament under strict and effective international control. Nuclear disarmament must not increase the risk of large scale conventional wars nor the re-evaluation of other weapons of mass destruction. We have to make sure that the functions that are now attributed to nuclear weapons become dispensable. This relates in particular to their role in deterring superior conventional forces or the use of other weapons of mass destruction. Thus, the attainment of a nuclear-weapon-free world must be accompanied by other effective arms control agreements not only at the global level, but also at the regional level.

Of key importance for regional security is confidence-building and the establishment of a stable and verifiable balance of conventional forces at the lowest possible levels. Europe might serve as a useful example in this regard. The Treaty on Conventional Armed Forces in Europe is usually referred to as the cornerstone of European security. Its main objectives have been met: disparities prejudicial to stability have been eliminated, a secure and stable overall balance of conventional armed forces at lower levels has been established, and capabilities for launching surprise attack and for initiating large scale offensive action in Europe have been removed. Together with the CSBMs of the Vienna Document and the Open Skies Treaty, it represents a set of mutually reinforcing arms control agreements which has provided a basis for the fundamental and peaceful transformation of the relationship between East and West and the development of a cooperative security order on our continent.

Much also remains to be done at the global level. The Chemical Weapons Convention needs to be universally adhered to and effectively implemented. Common standards governing national implementation would significantly reduce the risk of proliferation of such weapons to non-state actors.

A particularly pressing task is the destruction of existing stocks.

We continue to be called upon to strengthen the Biological Weapons Convention (BWC). Dedicated efforts to conclude a verification protocol have been undertaken over the past years. It is regrettable that despite six years of intense negotiations on the basis of a universally accepted mandate, the BWC Review Conference could not deliver a satisfactory outcome in 2001. It is now of utmost urgency to continue our efforts for an effective approach to the strengthening of the Convention, also in light of the risks which became apparent after the terrorists attacks last year.

We also have to address the issue of the delivery means of weapons of mass destruction. In that vein, ballistic missile proliferation is a particular concern. To address it effectively we need a global and multilateral approach.The draft International Code of Conduct against Ballistic Missile Proliferation is a concrete and well developed project. It holds the promise of achieving results in the short term without precluding further and more ambitious initiatives. Therefore, the negotiation and universalization of the Code deserves our full support. Following the first discussion in Paris on 7 and 8 February, we hope that the work on the Code will be successfully concluded before the end of this year.

Other issues on the global arms control agenda like the strengthening of export controls, the tackling of the risks posed by small arms and light weapons, the need for international cooperation in the elimination of existing stocks of weapons of mass destruction as well as the protection and assistance against the use of such weapons also demand urgent attention.

Conclusion

We have a full agenda. There is no room for complacency nor a reason to relent in our disarmament, arms control and non-proliferation efforts both at the regional and the global levels.

Nuclear disarmament is the counterpart of the renunciation of nuclear weapons by non-nuclear weapon States (NNWS). This bargain must not be undermined. The NWS have to renew their commitment to the cause of nuclear disarmament which is the prerequisite for successful nuclear non-proliferation. The NPT is not a licence to perpetuate the status of the nuclear "haves" versus the nuclear "have nots". Any appearance to that effect will have serious implications for the viability of the nuclear non-proliferation regime. Likewise we are entitled— in line with Article II of the NPT—to expect all non-nuclear weapon States to fulfill the non-proliferation side of the bargain.

Today we are on the eve of the first session of the Preparartory Committee of the 2005 NPT Review Conference. We look forward to a focused and substantive consideration of all relevant issues. The purpose of this discussion is clear—in the words of the Final Document of the 2000 NPT Review Conference—it is "to promote the full implementation of the treaty as well as its universality."

The NWS have a particular responsibility to relaunch the stagnating disarmament process and ensure its irreversibility. While we continue to strive for the implementation of the thirteen steps of the action programme adopted in 2000, we urgently need tangible progress at least in some important areas. The commencement of negotiations on an FMCT in the CD as well as a substantive US-Russian agreement on the reduction of strategic nuclear forces can revive the necessary momentum.

I have not discussed the issue of nuclear disarmament and missile defence as this will certainly be one of the key features of the debate under our next agenda item. Suffice it to say at this juncture, that in my view the US plans for a limited missile defence system should not serve as a pretext to slow or even reverse the process of nuclear disarmament. Rather, a reliable and durable stabilization of strategic relations among the NWS is called for; a new "strategic deal" has to be put in place by mutual consent.

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Nuclear disarmament and the elimination of nuclear dangers

*Ronald McCoy**

Extract

The question is whether the culture of militarism will be propagated further and whether the elimination of nuclear weapons will be politically feasible and technically practical, when security is still defined and rationalized in military terms, with nuclear weapons continuing to represent the ultimate guarantee of security. ... A new paradigm needs to be developed around policies that will address injustices and promote human security, by alleviating poverty and reversing socio-economic polarization, enhancing sustainable economic development, and controlling weapons proliferation and militarism. The world is bristling with armaments, paid for with resources stolen from schools and hospitals. Even the heavens are about to be assaulted as we contemplate the weaponization of outer space.

Despite the end of the cold war, the global threat posed by nuclear weapons is more acute, more immediate, and more entrenched than it was a half century ago. The 21st century has begun with the knowledge that an uncertain global strategic future lies ahead. The question is whether the culture of militarism will be propagated further and whether the elimination of nuclear weapons will be politically feasible and technically practical, when security is still defined and rationalized in military terms, with nuclear weapons continuing to represent the ultimate guarantee of security. The world has

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moved beyond the cold war, but deterrence continues to be embedded in the security policies of the nuclear weapon states (NWS) and NATO, a cold war military alliance and a major impediment to nuclear disarmament. The indefinite deployment of nuclear weapons on high alert status carries the risk of their ultimate use by accident or miscalculation. The risks of permanently retaining nuclear arsenals far outweigh any possible benefit ascribed to deterrence, a doctrine that must be exposed for what it is—immoral, illegal, a violation of the Geneva Conventions and militarily unsustainable. Nuclear weapons, far from being the insignia of leadership and achievement, are symbols of moral decay.

Hampered by their inability to reach consensus, the NWS have not been able to seize the opportunity to eliminate nuclear weapons now that the cold war has ended. A radical rethinking of the nuclear foundations of international security and reappraisal of conventional strategic and disarmament wisdom are imperative. There are no compelling reasons to perpetuate cold war thinking. The possession of nuclear weapons increases the possibility of a nuclear response in a crisis and provokes others to develop nuclear weapons. Nuclear weapons have no utility in today's world where the most prevalent threats to national security include ethnic conflict and terrorism, poverty and disease, state disintegration and economic crises.

The terrorist attacks of 11 September on the United States have made it clear that nuclear weapons are not a deterrent and do not confer invulnerability or security. It also showed that a terrorist attack with a nuclear device would have inflicted far

Nuclear weapons, far from being the insignia of leadership and achievement, are symbols of moral decay.

greater damage and loss of lives. Clearly, there is an urgent need for rapid nuclear disarmament and adequate safeguards against the theft of nuclear weapons and nuclear material.

In the current hostile political environment, there are deep concerns that the war hysteria and paranoia generated by the events of 11 September are increasing militarism and creating even more obstacles to the elimination of nuclear weapons, despite the failure of the logic of deterrence.

Disarmament treaties

A handful of treaties negotiated in the second half of the 20th century have sought to control nuclear weapons. Taken together, they form a tenuous arms control framework that has not been able to restrain Israel, India and Pakistan from becoming nuclear weapon states, while the five major nuclear powers continue to be steadfastly committed to their own nuclear arsenals.

The major pillars of nuclear arms control are the Nuclear Non-Proliferation Treaty (NPT), the Partial Test Ban Treaty (PTBT), the Comprehensive Nuclear Test Ban Treaty (CTBT), the Anti-Ballistic Missile (ABM) Treaty, the Strategic Arms Limitation Treaty (SALT) and the Strategic Arms Reduction Treaties (START).

Nuclear Non-Proliferation Treaty (NPT)

The NPT is the central legal instrument preventing the spread of nuclear weapons and legally committing the world to eventual and complete disarmament. The significance of the NPT in sustaining the nuclear non-proliferation regime lies in it being the sole global instrument by which non-nuclear weapon States (NNWS) have made a legal commitment not to acquire nuclear weapons (Article II) in return for a reciprocal legal commitment by the five declared nuclear

weapon states to pursue negotiations in good faith on effective measures relating to nuclear disarmament (Article VI). The NPT is underpinned by an explicit recognition by the international community that it is undesirable for additional states to acquire nuclear weapons and an implicit acknowledgement that it is undesirable for any state to possess them. This agreement on non-proliferation and disarmament has caused considerable tension among NPT States parties, because the NPT clearly discriminates between the obligations of two distinct sets of parties: NWS which are only required to negotiate nuclear disarmament "in good faith", and NNWS which are forbidden to possess nuclear weapons. The United States and the former Soviet Union have both regarded the NPT as a vehicle for preventing horizontal proliferation, whereas the NWS have viewed it as an instrument for complete nuclear disarmament. Although the NPT has played an important role in stemming horizontal proliferation, the lack of a genuine commitment by the NWS to comply with Article VI has placed the NPT and the non-proliferation regime in jeopardy.

When the NPT was extended indefinitely in 1995, it adopted the following "Principles and Objectives":

- completion of a Comprehensive Test Ban Treaty by 1996;
- commencement and early conclusion of negotiations on a Fissile Material Cut-off Treaty (FMCT); and
- determined pursuit of systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goal of their elimination.

Since then, a CTBT has been signed, but has not entered into force, having suffered a serious setback when the US Senate rejected its ratification in 1999. There has been virtually no progress on an FMCT and the pursuit of nuclear dis-

armament by the NWS has not been 'determined' or 'systematic' either.

In addition, Article VI has been treated in a cavalier fashion. In 1996, the US indicated in its Presidential Decision Directive that nuclear weapons remain the "cornerstone" of its security policy, and NATO has reaffirmed that nuclear weapons "will continue to fulfill an essential role" in its Strategic Concept.

The continued reliance on nuclear weapons and non-compliance with Article VI were criticized at the 2000 NPT Review Conference, where the New Agenda, a coalition of seven middle power states, played a significant role in persuading the States parties to agree to take 13 practical steps to demonstrate their systematic and progressive efforts to implement Article VI. Among those steps was "an unequivocal undertaking...to accomplish the total elimination of their nuclear arsenals". It is significant that, for the first time in an NPT setting, nuclear disarmament was clearly separated from general and complete disarmament.

The following practical steps for the implementation of Article VI, perhaps the most crucial article of the NPT, could form the basis of an agenda for nuclear disarmament:

Step 1. Entry into force of the CTBT

So far, 161 states have signed and 87 have ratified the CTBT. Of the 44 nuclear-capable states required to ratify it, 13 have not yet done so. India, Pakistan and North Korea have not signed. Israel has signed, but will ratify it on condition that its sovereignty is recognized and there is peace in the Middle East.

Of the five NWS, the United States is the only one to have rejected the treaty by a vote of 51–48 in the US Senate in 1999. In addition, the US did not attend the Conference on

the Entry into Force of the CTBT in November 2001, voted alone in the First Committee to oppose putting the CTBT issue on the UN General Assembly agenda for 2002, and reduced its share of contributions to the CTBT Organization.

Step 2. Moratorium on nuclear test explosions

There have been no nuclear test explosions since India and Pakistan conducted 11 tests in 1998. The US administration has declared that its 2001 Nuclear Posture Review supports the moratorium on nuclear testing and the Stockpile Stewardship Programme (SSP), which is said to be necessary for ensuring stockpile safety and reliability, although the SSP is seen by many as a research programme for the development of new nuclear weapons. Recent reports indicate that the US intends to prepare for and conduct an underground nuclear test in the next two or three years. A continuation of the moratorium is therefore crucial.

Step 3. Concluding negotiations on a fissile ban treaty in the Conference on Disarmament within five years

There is an urgent need to overcome the impasse in the CD and commence negotiations on an effective, non-discriminatory, multilateral and verifiable treaty, banning the production of fissile material, including tritium, for nuclear weapons. There is lack of consensus because some countries argue that a fissile ban treaty should address the reduction of existing stocks and put a cap on production, while China and other states argue that it should be linked with commitments to pursue comprehensive nuclear disarmament and the prevention of an arms race in outer space.

Step 4. Establishment of a subsidiary body in the CD to 'deal' with nuclear disarmament

There is no consensus here. The US will only support a subsidiary body to discuss, not negotiate, nuclear disarmament. Russia is of the view that the time is not ripe for negotiations. As mentioned earlier, China wants negotiations on nuclear disarmament and a fissile ban treaty to be linked to the prevention of an arms race in outer space.

Step 5. Applying the principle of irreversibility to nuclear disarmament

The principle of irreversibility should be applied to all reductions of nuclear weapons and their fissile material, past, present and future. Thus far, the principle of irreversibility is being applied selectively. Hence, the new cuts proposed by the US and Russia should involve dismantlement and be codified in law to make them irreversible, in order to ensure that the "unequivocal undertaking" by the NWS includes an understanding that the gains made in nuclear disarmament cannot be reversed under any circumstances, including when and if the non-proliferation regime unravels as a result of the US deployment of a national missile defence system.

Step 6. The unequivocal undertaking by the NWS to accomplish the complete elimination of their arsenals

There is no evidence thus far that the NWS are genuinely complying with their legal obligations under Article VI, despite the authoritative advisory opinion of the International Court of Justice on the legal status of nuclear weapons and their own "unequivocal undertaking". At the US Congressional hearing of the Nuclear Posture Review, it was

reaffirmed that "nuclear weapons, for the foreseeable future, will remain a key element of the US national security strategy." France and the United Kingdom have taken a similar position. China logically and understandably says it will negotiate the elimination of nuclear weapons when the US and Russia reduce their arsenals to lower levels.

Step 7. Full implementation of START II, conclusion of START III, preserving and strengthening the ABM Treaty

START II has not been fully implemented and no progress has been made on START III. Start II requires the destruction of missile delivery systems, while the 1997 Helsinki commitments to Start III additionally envisaged the accounting for and dismantling of warheads. However, the present US plan does not call for the destruction of delivery systems or dismantlement of warheads. Under Start II, the target would be 3,000–3,500 deployed strategic nuclear weapons by 2007, not the 3,800 indicated in the new US proposal. The target of 1,700–2,200 by the year 2012 is about the range of START III, though slower.

With regard to the ABM Treaty, the US has announced that its withdrawal will become effective on 13 June 2002, while the Nuclear Posture Review anticipates limited deployment of strategic missile defences by 2008. This unilateral decision is a clear rejection of worldwide calls for preserving and strengthening the ABM Treaty. NATO allies in Europe have deep reservations about a US national missile defence system, while Russia and China are strongly opposed and argue that it will ignite a new nuclear arms race and undermine strategic stability.

Step 8. Implementation of the Trilateral Initiative between the US, Russia and the IAEA

Under this 1996 initiative, the US, Russia and the IAEA will create an Agency verification regime of classified forms of fissile materials and nuclear weapons components. This initiative, although presently stalled, is highly significant, given the enormous stockpiles of fissile material held by Russia (more than 1,000 metric tons of weapon-grade uranium) and the United States (nearly 750 metric tons of weapon-grade uranium and 85 metric tons of weapon-grade plutonium).

Step 9. Steps by the NWS to promote international stability, based on the principle of undiminished security for all

a. **Further efforts for unilateral reductions:** An "executive agreement" by the US and Russia for reciprocal unilateral cuts, that would fall short of a legally binding treaty, has been talked about. However, the NNWS want such cuts to be codified and made irreversible through the destruction of delivery systems, dismantlement of warheads, and disposal of fissile materials under international safeguards.

b. **Increased transparency of NWS capabilities and Article VI agreements:** Nuclear weapons development programmes have for long been shrouded in secrecy. There is a need for greater transparency and accountability of research and development in weapons laboratories and the production of a new generation of nuclear weapons. A US offer to provide briefings on nuclear weapons at the NPT and other UN fora is a positive development, but what is necessary is a register of nuclear weapons and a register of weapons-usable fissile material, reinforced by standardized reporting by the NWS on their compliance with Article VI.

c. Unilateral initiatives for non-strategic reductions: These initiatives are at present dormant.

d. Measures to reduce the operational status of nuclear weapons systems: De-alerting is a step that could be taken immediately to reduce the risk of an accidental launch. Repeated calls for the US and Russia to stand down their nearly 5,000 strategic nuclear weapons from launch-on-warning have been ignored. The maintenance of nuclear weapons on high alert is contrary to the obligations implicit in the 13 steps. On the other hand, the UK has increased the notice to fire weapons deployed on Trident submarines from "minutes to days", France has followed suit, and China's warheads are stored separately from missiles.

e. Diminishing the role of nuclear weapons in security policies to facilitate the process of elimination: With the exception of China's longstanding position of no-first-use, there is no evidence of a diminishing role for nuclear weapons in the security policies of the other four major nuclear powers and NATO. It is clear that Russia, France and the UK contemplate first-use, while the US has recently abandoned its longstanding policy of negative security assurances by threatening the use of nuclear weapons against NNWS. The saliency of nuclear weapons in US policy has been underlined by the recent $5 billion allocation to the US National Nuclear Security Administration for nuclear weapons maintenance and research and development of a new generation of nuclear weapons, justified by the Nuclear Posture Review and its New Triad of flexible response, consisting of non-nuclear and nuclear strike capabilities, active and passive defences including ballistic missile defences, and research and development to maintain offensive nuclear forces throughout the 21st century.

Step 10. Placing excess fissile materials of NWS under IAEA safeguards

Russia and the US are stalled over a disagreement on a model verification system for fissile materials, while China, France and the UK are obliged to place their excess fissile material irreversibly under IAEA safeguards.

Step 11. Reaffirmation of general and complete disarmament under effective international control

General and complete disarmament is in disarray. The terrorist attacks of 11 September have engendered fear and have propelled the United States towards militarism and a justification for increased military spending. Global military expenditures, now at $800 billion a year, are growing alarmingly, led by the United States whose defence budget has reached $400 billion.

Step 12. Regular reports on the implementation of Article VI, paragraph 4c of the 1995 Decision on "Principles and Objectives," and a recollection of the 1996 ICJ Advisory Opinion

The strengthened NPT review process includes provisions for "regular" reporting by the NWS, but there is not yet any commitment to report on the implementation of the "practical steps." The 2002 NPT PrepCom should allocate time for voluntary reports and consider methods to standardize reporting.

Step 13. Development of verification capabilities to assure compliance with disarmament agreements

Verification work has generally lacked sufficient funding. The CTBT organization is a good example of steady

progress in the development of an International Monitoring System (IMS), consisting of a global network of 337 facilities in 90 countries. An Independent Commission on the Verifiability of the CTBT has reported that there is a high probability of detection of any nuclear test. In addition, the IAEA is safeguarding more than 100,000 significant quantities of nuclear material in 140 countries.

Analysis of the efforts being made by the NWS to implement the 13 practical steps provides grounds for serious concern about their "good faith". A true picture will soon emerge at the forthcoming NPT PrepCom. The Middle Powers Initiative, a network of eight international non-governmental organisations specialising in nuclear disarmament, have highlighted ten principal actions that governments can take in the years leading to the 2005 NPT Review Conference:

- sharpen the sense of urgency of all 13 steps
- de-alert strategic nuclear weapons
- preserve and strengthen the ABM Treaty
- link unilateral measures to the treaty process
- apply the principle of irreversibility
- address non-strategic nuclear weapons
- ban nuclear testing and bring the CTBT into force
- inventory all fissile materials
- require standardized reporting
- convene a new session of the CD

The NNWS should link the US demand for consideration of nuclear terrorism and physical protection of nuclear materials to a commitment to implement the 13 practical steps and comply with article VI.

A cooperative political process

The elimination of nuclear weapons must be a global endeavour involving all states, but the driving force should come from the nuclear weapon states (NWS), particularly the United States and Russia, who possess the largest nuclear arsenals by far.

The political process of nuclear disarmament will succeed best in a cooperative, non-threatening environment. Negative security assurances, which are undertakings by the NWS to refrain from threat or use of nuclear weapons against NNWS, would help to achieve such an environment.

With the exception of China, negative security assurances continue to be unsatisfactory, although they were explicitly given by the NWS as part of the bargain to garner support for the indefinite extension of the NPT in 1995. However, the first-use policies of the United States, Russia and NATO contradict those pledges. In addition, current policies of the Western nuclear powers assert the right to use nuclear weapons in response to attacks with chemical and biological weapons. A policy of no-first-use and negative security assurances would go a long way to build confidence and enhance the disarmament process. So will US support for an effective verification regime for the Biological Weapons Convention.

Other initiatives that would help to build confidence include controls on the proliferation of ballistic missile delivery systems and technology, promotion of nuclear weapon-free zones, and strengthening of the Chemical Weapons and Biological Weapons Conventions.

The process of disarmament must ensure that solutions are not made at the expense of security and that no state feels, at any stage, that further nuclear disarmament is a threat to its own security. To this end, the elimination of nuclear

weapons should be seen as a long-term process, conducted as a series of phased verified reductions that will reassure states that each progressive movement towards elimination can be made safely and securely.

Nuclear disarmament should continue to be based on negotiated treaties. Where unilateral reductions in nuclear weapons are made, they should be made within the framework of international treaties to ensure transparency, verifiability and irreversibility. Circumventing treaties to advance unilateral policies is bound to have adverse consequences.

In practice, the NWS collectively, and the United States in particular, dictate the pace and agenda of nuclear disarmament negotiations, without much attention to their legal and treaty obligations.

There are divergent views as to how nuclear disarmament can best be achieved. The first, a step-by-step approach, entails negotiations on a limited number of initial steps toward nuclear disarmament. The second calls for comprehensive negotiations on the complete elimination of nuclear weapons under a time-bound framework. A third perspective calls for a middle path between the first two, combining elements of the step-by-step approach with the comprehensive approach to fashion an incremental-comprehensive programme, in which a series of bilateral, plurilateral and multilateral steps would lead toward the elimination of nuclear weapons through a legally-binding instrument or framework of instruments.

The present step-by-step approach, favoured by the United States, Russia, France and the United Kingdom, has the propensity to prolong the process of disarmament. While it has delivered a number of limited disarmament and arms control treaties, these states have not changed their nuclear policies, their ability to inflict unimaginable damage with their remaining arsenals, or their ability to design and develop new nuclear weapons and delivery systems.

The current long-drawn step-by-step approach ensures that, by the time a step has been achieved, the NWS have developed their technology to a stage where they no longer need whatever it was they were negotiating away, as in the CTBT. As a result, the NWS are no closer to nuclear disarmament now than when they accepted their legal obligations under Article VI of the NPT thirty years ago.

Although the CD was established as the primary multilateral negotiating forum for disarmament, its work has been hampered by its limited membership and having to make decisions by consensus. Many different fora outside the CD have been proposed for disarmament negotiations, including a call in 1998 by the UN General Assembly to convene an international conference for the negotiation of a nuclear weapons convention. Such an initiative would have the distinct advantage of leaving the CD free to continue its work on related issues such as the FMCT, prevention of an arms race in outer space, and transparency in armaments.

A nuclear weapons convention

As the political process in the CD has reached an impasse, civil society and governments supportive of nuclear disarmament would find it profitable to explore the legal and technical aspects of a framework for complete nuclear disarmament, embedded in a Model Nuclear Weapons Convention which was drafted by an international team of scientists, lawyers and disarmament specialists and submitted by Costa Rica to the United Nations as a discussion document in November 1997. In addition, the Convention would provide a logical umbrella for the various incremental measures now underway.

Negotiations leading to a Nuclear Weapons Convention can provide a conceptual package for the com-

plete elimination of nuclear weapons, taking into consideration each of the following:

- security concerns that would need to be the subject of negotiations;
- technical difficulties in verifying the elimination of nuclear weapons and the safe disposal of weapons materials; and
- legal mechanisms that would need to be established to implement the process with fairness.

The Model Nuclear Weapons Convention prohibits the development, testing, production, stockpiling, transfer, use, and threat of use of nuclear weapons. States possessing nuclear weapons will be required to destroy their arsenals according to a series of phases. The Convention also prohibits the production of weapons-usable fissile material and requires delivery vehicles to be destroyed or rendered non-nuclear capable.

The Convention outlines a series of five phases for the elimination of nuclear weapons, beginning with taking nuclear weapons off alert, removing weapons from deployment, removing nuclear warheads from their delivery vehicles, disabling the warheads, removing and disfiguring the "pits", and placing the fissile material under international control.

Such a Convention will stand or fall on its verification regime. Before the NWS agree to eliminate their nuclear arsenals, they will require a high degree of confidence in the verification regime that would have to be capable of promptly detecting any attempt to cheat the disarmament process.

Verification will include declarations and reports from States, routine inspections, challenge inspections, on-site sensors, satellite photography, radionuclide sampling and other remote sensors, information sharing, and citizen report-

ing. 'Whistle-blowers' will be provided with protection, including the right to asylum.

The verification regime will exert controls on the civil nuclear industry and monitor any undeclared nuclear activity, including the production of fissile material for nuclear weapons. Dismantlement of nuclear weapons and infrastructure and disposition of warhead uranium and plutonium will also be part of the regime.

An agency, established to implement the Convention, will be responsible for verification, ensuring compliance and decision making, and will comprise a Conference of States Parties, an Executive Council and a Technical Secretariat.

Enforcement will be the Achilles heel of any security regime that relies primarily on the threat or use of force. International security in a nuclear-weapons-free world will require new concepts of defence that focus on preventive diplomacy rather than the use of military force in resolving conflict. While the NWC cannot prescribe the elements of an alternative security system, it can, as it evolves, incorporate and reinforce developments toward demilitarization and non-violent methods of conflict resolution.

Although the long-term goal of a Nuclear Weapons Convention may seem too ambitious at this time, selective use of the document, as both a tool for discussion and a concrete political objective, would be appropriate. As the verification regime will take many years to develop, higher priority should be given to its development, without waiting for further progress in nuclear disarmament.

There is no guarantee that the danger of breakout or cheating will not occur, but the more progress is made in disarmament and dismantling of its infrastructure, the more difficult breakout will become. New international norms and the increasing stigmatization of nuclear weapons will further decrease the likelihood of breakout.

There are concerns that the genie is out of the bottle of nuclear weapons knowledge and cannot be put back. The answer is to increase scientific responsibility and awareness of potential proliferation risks. The key question is whether humankind would be safer within a regime of nuclear disarmament or within a nuclear-armed world.

Conclusion

The global strategic environment for nuclear disarmament has deteriorated. Bellicose rhetoric, backed up by the military response to terrorism in Afghanistan and threats to extend the war on terrorism to other countries, is not a hopeful sign. Unilateral rejection of international treaties and the relentless military build-up of high-tech armaments, supported by bloated defence budgets, will bring about instability, conflict and more terrorism.

In an anarchic world of unequal nation states, each with its unpredictable intentions and predictable national interests, security problems will abound. Alliances and hegemonies, historically accepted as norms, are complementary systems of security and the result of efforts to respond to uncertainties in global security, whether in a nuclear or non-nuclear age.

Hegemonies, benign or malign, emerge among unequal states where there is a well-defined hierarchy, based on an asymmetric distribution of resources. The hegemon leads because it is wealthier, technologically more advanced, and has a preponderant military force that secures access to limited resources.

There is a perception across much of the world that a powerful and firmly rooted Western hegemony is now in place, seeking to maintain the global status quo through economic, political and military dominance. This will not be sus-

tainable, given the vulnerabilities of states to paramilitary action and asymmetric warfare. A new paradigm needs to be developed around policies that will address injustices and promote human security, by alleviating poverty and reversing socio-economic polarization, enhancing sustainable economic development, and controlling weapons proliferation and militarism. The world is bristling with armaments, paid for with resources stolen from schools and hospitals. Even the heavens are about to be assaulted as we contemplate the weaponization of outer space.

The United Nations is valiantly making efforts to reassert itself in a world that is in a state of political and social disorder. Allegiance to the nation state needs to be redefined and expanded to embrace an all-encompassing global allegiance to all humankind and planet Earth.

Human conflict is a social problem with social causes. The missile and the warhead are no more appropriate than the club and the spear were in resolving conflict. The international community must not waiver in its resolve to marshal its moral strength and wisdom to find a way to manage human affairs without weapons of mass destruction.

The Preparatory Committee for the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) held its first session at United Nations Headquarters in New York from 8 to 19 April 2002.

* * *

An effective way to prevent an arms race in outer space: the early negotiation and conclusion of an international legal instrument

*Qiao Zonghuai**

Extract

The human world and outer space are now increasingly inseparable ... [However, we] are still living in the shadow of a possible weaponization of and arms race in outer space ... it is imperative to conclude an international legal instrument devoted to preventing the weaponization of and an arms race in outer space ... the CD should re-establish an Ad Hoc Committee on PAROS to negotiate and conclude an international legal instrument. ...

It is a great pleasure to have an opportunity at this Conference to share with you China's views on the prevention of an arms race in outer space. The issue has become an important topic on the current international arms control and disarmament agenda. Therefore, it is of great practical significance for the Conference to hold in-depth discussions on this issue.

For centuries, man has been longing to explore, develop and use outer space. As early as the 14th century, Wan Hu, a Chinese craftsman of the Yuan Dynasty (1206–1368), attempted to fly into the sky. Although he

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failed, his dream has continued to inspire later generations. In the middle of the 20th century, thanks to advances in science and technology, a major breakthrough was made in conquering outer space. Soviet cosmonaut Y. A. Gagarin flew into space and US astronaut Neil Alden Armstrong became the first man to land on the moon. Their great feats were no doubt the most symbolic milestones. Recently, on 25 March, China successfully launched its third unmanned spacecraft "Shenzhou III"—a launch that marks a giant and solid step forward in China's manned space mission technology. The continuous human successes in the exploration, development and utilization of outer space have greatly boosted the economic, technological and social development and progress of all countries. They have also increased our knowledge and understanding of space, and affected our way of life significantly.

Earth and outer space are now increasingly inseparable. The use of outer space has become part and parcel of such undertakings as telecommunications, navigation, meteorology and remote sensing, to name just a few. According to incomplete statistics, more than 5,000 space vehicles of different kinds have been launched so far, with about 700 satellites operating in orbit. By the year 2010, an estimated 2,000 satellites will be moving around the earth. In a nutshell, the development and utilization of outer space is just unfolding, and human beings are increasingly dependent on outer space in the pursuit of their economic, cultural and social development, in scientific research and even security. In the 21st century, outer space will become all the more important to mankind.

However, while enjoying the fruits of the peaceful uses of outer space and indulging in the dream of a still brighter future, we are also faced with a daunting challenge,

as we are still living in the shadow of a possible weaponization of an arms race in outer space.

Just like nuclear energy, which can be used either as a clean and effective source of energy or to produce weapons of mass destruction, outer space may also be used for the benefit of all countries, or for military confrontation or other hostile purposes that would threaten the security of mankind. Due to technological developments, considerable progress has been made in outer space-related weapons research and military technology. It will not be long before drawings of space weapons and weapon systems will turn into lethal combat instruments in outer space. Meanwhile, military doctrines and concepts such as "control of space" and "ensuring space superiority" have been unveiled successively, and space operation commanding headquarters and combatant troops are in the making.

If we should remain indifferent to the above-mentioned developments, an arms race would very likely emerge in outer space in the foreseeable future. Outer space would eventually become the fourth battlefield besides land, sea and air.

If this scenario should become reality, it would be virtually impossible for man to continue the anticipated exploration, development and utilization of outer space. Moreover, all economic, cultural and social activities related to the utilization of outer space would be severely interrupted. Interests of all countries, including the space powers, would be seriously jeopardized.

In order not to repeat the mistakes that have been made on the issue of nuclear weapons, it is imperative for the international community to take effective preventive measures to forestall any possible mishaps. Otherwise, in the near future, we will have to deal with such thorny issues as

"weapons reduction in outer space", "non-proliferation of weapons in outer space" and so forth.

To regulate the activities carried out in outer space by all states, the international community has concluded a number of legal instruments, which set forth some important principles such as protection of space vehicles, international liability for damage caused by space objects, confidence-building measures, prohibition of the placement of nuclear weapons or other WMD into orbit around the earth or on celestial bodies, prohibition of the militarization of the moon, prohibition of the development, testing and deployment of missile defense systems and their components in outer space. All these instruments have played a positive role in promoting the peaceful exploitation and utilization of outer space.

However, after a careful reading of these legal instruments, we find that they are not adequate enough to effectively prevent an arms race in and the weaponization of outer space.

First of all, they have some obvious flaws and loopholes. The scope of prohibited activities as provided for by some instruments is very limited. For example, the 1967 Outer Space Treaty only prohibits the deployment of nuclear weapons and other WMDs in outer space, but not other types of weapons. Some instruments will soon cease to be effective such as the 1972 Anti-Ballistic Missile (ABM) Treaty, while others have too few signatories like the 1979 Moon Agreement.

Secondly, these instruments do not reflect the reality of the development in space technology, especially the research and development of outer space weapons over the last two to three decades.

Given the situation, it is imperative to conclude an international legal instrument devoted to preventing the weaponization of and an arms race in outer space.

For many years the international community has made active and meaningful attempts toward this objective. The Geneva-based Conference on Disarmament (CD) had for ten consecutive years (from 1985 to 1994) established an Ad Hoc committee and held in-depth discussions on the prevention of an arms race in outer space (PAROS). And, for years, the UN General Assembly has adopted resolutions on "Prevention of an Arms Race in Outer Space" with an overwhelming majority (with no negative votes). Resolution 56/23 adopted at its 56th session once again reiterates that:

> "The Conference on Disarmament, as the single multilateral disarmament forum, has the primarily role in the negotiation of a multilateral agreement or agreements, as appropriate, on the prevention of an arms race in outer space in all its aspects."

The UN Secretary-General and other personages of insight also call for greater attention to this issue.

What is worth mentioning is that many countries have put forward many constructive ideas, suggestions and proposals on the issue of outer space. For example, the delegations of Canada, France, Italy, Sweden and Venezuela have respectively tabled concrete proposals at the CD, which range from no actual deployment of weapons in outer space, prevention of using outer space as a base for military operations, to no testing of any type of weapons in outer space, from prohibition of launching any objects carrying any weapon or weapon systems into orbit around the earth, to the establishment of confidence-building measures and promotion of transparency in outer space, etc. Last year at the UN General Assembly, Russian Foreign Minister Igor Ivanov proposed to negotiate and conclude a comprehensive agreement on the non-deployment of weapons in outer space and on the non-use or threat of force against space objects.

All these developments indicate that it has become the prevailing view and common aspiration of the international community to ensure a peaceful use of outer space, prevent the weaponization of outer space, and avoid an arms race in outer space. The relevant proposals have laid a good foundation for commencement of substantive work in the CD's Ad Hoc Committee on PAROS.

China has all along maintained that the CD should re-establish an Ad Hoc Committee on PAROS to negotiate and conclude an international legal instrument preventing the weaponization of outer space at an early date. As early as 1985, China submitted to the CD a working paper entitled *The Basic Standpoint on Preventing an Arms Race in Outer Space* (CD/579). In February 2000, in another working paper (CD/1606) put forward to the CD, China expounded on its position and proposals on how the CD should deal with the issue of the prevention of an arms race in outer space, including some tentative ideas about the basic elements of the envisaged legal instrument. In June 2001, we submitted further proposals (CD/1645) on the possible main elements of the proposed legal instrument.

I would like to share with you our general thinking on the envisaged instrument. Our preliminary view is that the proposed instrument could be called *The Treaty on the Prevention of the Weaponization of Outer Space*. Its contents may include a Preamble, Definitions, Basic Obligations, National Implementation Measures, Confidence-building Measures and Executive Organization, etc. Among these, the *Basic Obligations* is the core of the treaty, and it may include the following aspects:

- not to test, deploy or use in outer space any weapons, weapon systems or their components;
- not to test, deploy or use on land, in the sea or atmosphere thereof any weapons, weapon sys-

tems or their components that may be used for war-fighting in outer space;

- not to resort to the threat or use of force against any outer space objects
- not to assist or encourage other states, groups of states or international organizations to participate in activities prohibited by the treaty, etc.

These are just our own ideas. Our attitude is open and flexible. We are willing to join other interested parties in a serious and thorough discussion in the CD's Ad Hoc committee on all aspects of the issue, including all the valuable and interesting suggestions and proposals from other sides, with a view to negotiating and concluding a feasible and practical international legal instrument that is acceptable to all.

Mankind has entered a new century. Peace, development and cooperation have become the trend of our times. Early conclusion of an international legal instrument on the prevention of outer space weaponization will help preserve the peaceful uses of outer space, facilitate relevant international cooperation, and enhance the common security of all countries. Let us join hands and work relentlessly for an outer space of peace and tranquility.

* * *

Prevention of an arms race in outer space

*Lloyd Axworthy**

Extract

The complexity and costs inherent in developing and deploying space-based weapons, the logistical and technological gaps in military space plans, the lack of support for space weapons internationally, and the public outrage that is likely to erupt on security, economic, environmental, sustainable development, moral, and religious grounds if plans are pursued to turn outer space from a sanctuary to a war zone—all these provide the basis for a strategy of mobilization.

The architecture of arms control and disarmament agreements is under challenge. Direct challenges to existing and pending treaties these days are in fact part of a larger pattern—the undermining of security, environmental and human rights regimes. Against this background, the prevention of an arms race in outer space is not only an arms control issue, but is crucial for averting the erosion of international rule of law.

Recent US action, including withdrawal from the ABM Treaty, is adding to the perception that law and policy regarding both outer space and international security are at critical junctures. Before 2001, the ideas presented in Vision 2020 and the Long Range Plan of the US Defence Department were often dismissed as the fantasy of a marginal few "who had consumed too much Star Trek."[1] But these were precise-

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ly the plans and visions that informed the Rumsfeld Commission, whose conclusions are now driving the US space policy. Increasingly, they see space weaponization as inevitable, as an integral part of US policy.

The dangers of an arms race in outer space are infinite. Though they are literally incalculable, we do know that they would include direct security, economic, energy, and environmental risks and losses as well as opportunity costs for sustainable development and human security. The peaceful uses of outer space, both current and anticipated, would be interrupted. Environmental monitoring, resource management, disaster mitigation and prevention, and application of spin-off technology benefits to sustainable development are simply not compatible with plans to develop and deploy space-based and anti-satellite weapons, or any weaponization of space.

But there is an alternative vision for outer space—as a sanctuary from war. This is a vision that would naturally resonate across national, religious, economic, and age divides. Commercial and civil interests in space, including US domestic ones, are vast. If these could be mobilized to support governmental and civil society efforts towards prevention of an arms race in outer space, perhaps through a space version of the Ottawa process, the vision of a space sanctuary would become more likely and space weapons would seem less inevitable. But States and non-governmental coalitions must recognize the urgency and make prevention a priority. We need to know more about the costs of space weaponization—political, economic, environmental and social—and we need governments, experts, and advocates working in coalition, as they did on landmines.

This paper will first look at space on the UN agenda in the security context, as well as its peaceful uses and role in sustainable development, States' views and proposals for a

The dangers of an arms race in outer space are infinite.

ban on space weaponization, and US space weaponization plans. We will then explore prescriptions for prevention, including the space sanctuary concept and a prohibition on space weapons, taking into consideration commercial interests and the civil society support necessary to prepare the way for a space weaponization ban.

Outer space in law and on the UN agenda

The 1967 Outer Space Treaty[2] provides the basic framework of international space law, including the following principles:[3] free exploration, use, and benefit of space for all; no national appropriation, claims of sovereignty or occupation; no stationing nuclear weapons or other weapons of mass destruction in outer space, in orbit, or on celestial bodies; and responsibility for national activities (including non-governmental) and damage liability. Four other treaties address outer space.[4] Five Declarations and legal principles apply.[5]

Prevention of an arms race in outer space (PAROS) has been on the UN Agenda since 1981.[6] The annual GA resolution, in its current form, recognizes that the legal regime applicable to outer space should be consolidated and reinforced in order to enhance its effectiveness, and reiterates the primary role of the Conference on Disarmament (CD) as the single multilateral disarmament-negotiating forum.[7] Support for this resolution is nearly unanimous, typically drawing no negative votes and abstentions this year from Georgia, Israel, Micronesia and the US. Several states typically take the floor to stress the urgency of prevention of an arms race in outer space.[8]

The UN Office for Outer Space Activities (OOSA) is tasked with promoting international cooperation in the peaceful uses of outer space through multi-sectoral programmes with political, legal, technological and educational components.[9] OOSA also works as the Secretariat for the Committee on the Peaceful Uses of Outer Space—a body of 64 member States,[10] that considers ways and means of maintaining outer space for peaceful purposes, implements recommendations of the Third United Nations Conference on the Exploration and Peaceful Uses of Outer Space (UNISPACE III), and takes note of such tasks as the promotion of spin-off benefits of space technology as contained in the UN Programme on Space Applications.[11] The Committee's most recent exchange of views included concern over weaponization of space and disagreement over its competence to consider this issue, with some States saying that disarmament aspects belong in other fora, and other States pointing to trends that hinder peaceful uses of space, such as development and use of spy satellites and restrictions on the flow of information and technology.[12]

But there is an alternative vision for outer space—as a sanctuary from war.

Space and development

The peaceful uses of outer space apply to all aspects of development, including the environment, energy, communications, and technology for sustainable development. Recommendations which received the highest priority in 2001 were:

- development of a comprehensive, worldwide environmental monitoring strategy

- improvement of the management of the Earth's natural resources
- implementation of an integrated global system to manage natural disaster mitigation, relief and prevention efforts
- improvement of universal access to and compatibility of space-based navigation and positioning systems
- promotion of sustainable development by applying the results of space research
- increased awareness of the importance of space activities among decision makers and the general public.[13]

So far, India, the African States, and the US are coordinating work on specific recommendations. Other recommendations illustrate the wide reach of peaceful uses of outer space like improvement of public health (coordination offer by Canada), and management of natural disaster mitigation, relief and prevention, (offer by China).

States' views and proposals

Over the years, the CD has addressed PAROS, with Sri Lanka and Egypt traditionally playing leading roles. It had an ad hoc committee on PAROS that operated from 1985 to 1994, but despite much debate since then, the CD has not agreed on convening an ad hoc committee on PAROS to negotiate a ban on space weaponization. Various proposals have been presented and supported by several states, including Russia,[15] China,[16] and Canada.[17]

In 2001, Russian Minister of Foreign Affairs Igor Ivanov proposed a moratorium on the deployment of weapons in outer space pending a comprehensive agreement on non-

deployment and non-use of force or threat of force in outer space.[18] China has strongly advocated the formation of an ad hoc committee on PAROS and has recently submitted a working paper on "Possible Elements of the Future International Legal Instrument on the Prevention of the Weaponization of Outer Space."[19]

Canada sees the urgency of preventing weapons in space and has been trying to highlight the need for more action and transparency. From 1996 to 2000 specifically, it sought to draw attention to this issue. In 1998, Canada proposed that an ad hoc committee be established with the mandate to negotiate a convention for the non-weaponization of outer space,[20] noting that many useful ideas on verification already existed and welcoming "a realistic and early reappraisal of these basic concepts." On matters of transparency, Canada's freedom of information laws were used to disclose internal defence briefing notes on the Rumsfeld Commission, its implication, and possible Canadian decision points.[21] Canada has continued to emphasize the need to keep space free of weapons and the urgency of preventive diplomacy.[22]

Proposals for prevention of space weaponization, including through the "Amorim proposal" for a CD work programme and repeated calls of support, cut across the political spectrum. In addition to strong backing for PAROS from non-aligned States, France and Germany[23] have voiced concern about weaponization of space. In short, the potential for a universal groundswell is there, if the real urgency is recognized.

Trends towards weaponization of space

Evidence of plans and intent to weaponize space is abundant. US Secretary of Defense Donald Rumsfeld has begun to restructure the operation of US space programs, implementing recommendations of the "Rumsfeld

Commission."[24] This Commission to Assess United States National Security Space Management and Organization, chaired by Donald Rumsfeld (before becoming Secretary of Defense) recommended that US national space policy should be brought into the center of defense planning, through review and revision of policy priorities. One of these measures makes the command of Air Force Space Command independent and headed by a four-star general. Previously this command linked US Space Command and North American Aerospace Defense Command (NORAD) through one commander-in-chief.[25]

The Rumsfeld Commission concluded that it is in the US national interest to: "promote the peaceful use of space; use the nation's potential in space to support its domestic, economic, diplomatic and national security objectives; and develop and deploy the means to deter and defend against hostile acts directed at US space assets and against the uses of space hostile to US interests."[26] The Commission found US vulnerabilities based on its extensive dependence on space and called the US "an attractive candidate" for a "Space Pearl Harbor."[27] Regarding the international legal and regulatory environment, the Rumsfeld Commission said the US "must participate actively in shaping the space legal and regulatory environment," adding,

> There is no blanket prohibition in international law on placing or using weapons in space, applying force from space to earth or conducting military operations in and through space. The US must be cautious of agreements intended for one purpose that, when added to a larger web of treaties or regulations, may have the unintended consequences of restricting future activities in space.[28]

Earlier documents, such as US Space Command's *Long Range Plan* and *Vision 2020* indicate the perspective of space weapons advocates. Vision 2020 includes slogans such as "US Space Command—dominating the space dimension of military operations to protect US interests and investment. Integrating Space Forces into warfighting capabilities across the full spectrum of conflict" and "full spectrum dominance."[29] The *Long Range Plan* develops the ideas presented in *Vision 2020* with specific details, a "deliberate effort to extend the national defense planning horizon and ensure that military space is postured to exploit future opportunities and meet future challenges." It includes four operational concepts:

- control of space (assure or deny access)
- global engagement (surveillance, missile defences, force capabilities)
- full force integration (space forces with air, land, sea, and information forces)
- global partnerships (augmenting military space capabilites through civil, commercial and international space systems, including partnerships with US allies).[30]

Prescriptions for prevention of an arms race in outer space

In addition to the proposals, resolutions, and working papers calling for the CD to work on prevention of an arms race in outer space already mentioned, there have been suggestions for concrete cooperation and confidence-building measures by governments, national parliamentary or legislative efforts, a model treaty banning weapons in space and petitions. Crucial to the success of these efforts is greater global awareness and engagement in the preservation of space as a sanctuary.

Space sanctuary

The vision of a "Space Sanctuary" has received some attention within military circles. An overview of this perspective was put forward by Lt. Col. Bruce M. Deblois of the US Air Force in 1997.[31] Rebecca Johnson summarizes:

> Where Rumsfeld's Commission argued that the attendant vulnerabilities must be met with aggressive development of military space capabilities, Deblois describes three approaches for defending space assets. i) diplomatic/political defences (agreements aimed at building collective security); ii) passive defences (hide and seek); and iii) active defences (essentially Rumsfeld's option of deploying ground ASAT and space-based weapons). Deblois recommends combining options i) and ii) and the "active, aggressive avoidance of the third".[32]

Deblois's thesis of a space sanctuary draws on the history of US policy towards space, starting with the Eisenhower era open-skies philosophy and continuously seeking robust intelligence, surveillance, reconnaissance and communications capabilities rather than space dominance.[33] In this context, "everyone spying on everyone" would reduce paranoia and aid stability. Deblois notes that claims of adversarial space weapons are not founded—here is virtually no threat to US space dominance—and that there are less provocative means than preemptive weaponization to deal with concerns that do exist, such as access to space reconnaissance data by others. Deblois argues that a decision to weaponize space is not a purely military decision ("seeking short-term military advantage in support of national security"), but is a matter of higher-level national policy, ("seeking national security, economic well-being, and worldwide legitimacy of US constitutional values").[34]

Although the debate within US military circles, specifically the Air Force, tends towards development and deployment of space-based weapons,[35] the concept of space sanctuary has received serious attention. Its military proponents ground their arguments in security, economic, domestic, and political interests, and they provide evidence that the US can reduce its potential vulnerabilities in space without weaponizing. A thorough exploration of space sanctuary thought by Major David W. Ziegler (US Air Force) notes that "attempts to understand the counter-arguments against deploying space weapons are scarce" and seeks to further that debate.[36] Ziegler counters claims that space sanctuary is a form of "unstrategy" or a "head-in-the-sand" perspective, using examples to illustrate "how sanctuary tenets demand coordinated action of all national instruments of power."[37]

The sanctuary perspective recognizes that weaponization of space is highly provocative and would lead others to seek to develop and deploy weapons to protect their space assets. In space, moreover, "asymmetric" responses would easily offset the space-capability differential of the US.[38] National opportunity costs are astronomical, and the US is likely to front the costs of research and development later imitated by other nations given the well documented "parasitic behavior of corporations and nations," all of which "could lead to the demise of US international prowess."[39] In other words, the regular rules of business and free market competition could contribute to making US plans for space dominance backfire. In addition, distinguishing "space friend from space foe" during a conflict, given the many roles and nationalities of satellites, would be difficult. "Discriminating between impartial, commercial space assets and adversarial space assets will be problematic," making space weapons "economically provocative because they can appear to threaten [global] commerce."[40]

Deblois also offers sound military reasons for not weaponizing space, arguing that space weapons strategies lack the element of survivability and they maintain a bogus "center of gravity," meaning that the vulnerability of intelligence, surveillance, reconnaissance, and other communications systems is better addressed by decentralizing these capabilities and enhancing the sanctuary approach. Other considerations are that space-weaponization strategies are provocative, escalatory, militarily self-defeating, politically self-defeating, and expensive.[41]

Within the US those who see space weapons as inevitable then pose the question whether the US will lead. But the question can be reversed. Given that the US will lead the world in space capability and use, what practices and standards should it seek to establish? According to Deblois,[42] assuming major global warfare and making preparations for it, would "condemn us to that future", and doing so, "assumes determinism".

An Ottawa process for the prohibition of space weapons

In the CD, past disagreement over treaty vs. confidence-building approaches to space could be submerged in collective efforts to overcome or work around current procedural deadlocks. Although repeatedly affirmed as the appropriate multilateral body for space security matters, the CD has not been able to act. Efforts aimed at complementing and eventually reinforcing its role deserve consideration in the meantime.

Rebecca Johnson has proposed a space focussed "Ottawa Process" whereby civil society and a few supportive governments lead efforts for a new treaty banning weapons in space.[44] According to Johnson, negotiations on a Treaty to

Prohibit Weapons and War in Space would have to cover at least three main components:

- a ban on the deployment and use of all kinds of weapons in space, thereby extending and strengthening the 1967 Outer Space Treaty's prohibitions on weapons of mass destruction in space, so that laser and other directed energy weapons and kinetic energy weapons are also banned, as well as any other potential offensive innovations that military researchers or planners might dream up;
- banning the testing, deployment and use of anti-satellite (ASAT) weapons, whether earth-based or space-based; and,
- establishing a code of conduct for the peace-supporting, non-offensive and non-aggressive uses of space.[45]

Proposals along these lines have been put forward in the past decades, but did not progress because space was not seen as a priority. That has now changed, suggesting that the foundation for serious consideration of such a treaty might exist. A treaty prohibiting space weaponization, however, would have to be the consequence of global mobilization.

The Ottawa Mine Ban Treaty process cannot be completely reproduced and, in particular, space matters differ because of the US'unique role, more so than in the case of landmines. Nevertheless, consideration of the Ottawa process can offer guidance. Crucial to progress on the landmine issue was the support of developing nations, especially those most affected. By the same logic, the link between outer space and sustainable development should raise concerns and motivate developing nations.

It is possible that existing and potential civil society concern, support of allies and other governments, and civil and commercial interests within the US would make it difficult for the US to sustain a boycott of the treaty. This is particularly likely "if its code of conduct included technology sharing and commercial incentives for countries abiding by rules prohibiting the aggressive or offensive uses of space and loss of trade for enterprises belonging to countries that are not party to the agreement."[46] If the US chooses not to participate in a prohibition on space weapons, the international community—including many Americans for whom sanctuary is not an alien idea—will have to send a strong message.

A treaty prohibiting space weaponization, however, would have to be the consequence of global mobilization.

The potential consequences for security, sustainable development, and the environment, as well as the energy requirements of space weaponization, suggest the need for a wide-ranging and open debate with increasing transparency on space-related policies and plans. Potential political mechanisms for prevention have been identified, but these will need support from the private sector and civil society. Although their interests are implicated in the future of outer space, their level of awareness is low. Recognizing that there is no one-step solution or simple formula, public education can draw on and support the efforts of civil society groups and coalitions already involved, and reach out to those in environmental and development sectors, as well as anyone concerned about the rule of law, outer space, and the future of the planet.

Commercial and US domestic interests

International and US domestic commercial and industrial uses of space are significant and increasing. There are more than 1,100 companies in 53 countries now using space.[47] According to the Satellite Industry Association in Washington DC, worldwide revenue for the satellite industry was $61.4 billion in 1999 and $81.1 billion in 2000. The US portion of revenues for 1999 was $31.9 billion, of which over half was from exports. According to Theresa Hitchens,

> Whereas military officials often refer to space as a domain for action, like air or sea, space is also a market sector, and unlike many other sectors, it is growing at a phenomenal pace. The commercial space and telecommunications sector is also arguably the most globalized of today's economic sectors. Not only is the customer base international, commercial space market activities are characterized by multinational alliances among companies and consortia, including joint government programs...
>
> Financial projections make clear that the market—from space launch to satellite manufacturing to the telecommunications packages to satellite services—is exploding around the world. Although US firms remain firmly in the lead, the booming market has also meant a boom in competition that has been made sharper by actions the US government has taken in the name of national security.
>
> Satellite manufacturers are concerned about the effects of US regulatory requirements and export controls on their bottom line...

> US industry officials also worry when they hear the Pentagon talk about the need to deny "enemies" access to space assets. The US Army is perhaps the most highly vocal of the services about the increasing availability of space-based assets (such as high-speed communications, navigation capabilities, and, perhaps most important, commercial imagery) that could empower an enemy and make US ground operations abroad much more difficult.[48]

The Space Sanctuary perspective described above incorporates economic arguments that assume an interest in space technology and use. This is an interest shared by developing States seeking technology for sustainable development, in the context of peaceful uses of outer space.

In both houses of the US Congress there is actual and potential support for ideas along the lines described above. In the House of Representatives, Dennis Kucinich (Democrat - Ohio) introduced the Space Preservation Act of 2002 (HR 3616) which calls on the US to ban all research, development, testing, and deployment of space-based weapons and, if passed, would require the US to enter negotiations towards an international treaty to ban weapons in space. Representative Kucinich also plans a major media effort to promote the bill and has apparently found a Senate sponsor for it (not announced at the time of this writing).

Senator Tom Daschle (Democrat - South Dakota) has called the notion of putting weapons in space "the single dumbest thing I have heard so far from this administration...It would be a disaster for us to put weapons in space of any kind under any circumstances. It only invites other countries to do the same thing."[49]

The issue of space weaponization appears to resonate more with the public than nuclear weapons, and various peace

and disarmament advocacy and research groups have chosen to focus much of their energy on space weapons issues. Some examples include:

The issue of space weaponization appears to resonate more with the public than nuclear weapons.

- *Global Network Against Weapons and Nuclear Power in Space*: A grass-roots and activist-oriented approach, focusing on petitions, demonstrations, and disseminating information to the "general" public. Their tone is considered alarmist by some groups that work more closely with government circles although their information is generally grounded in factual evidence (www.space4peace.org).
- *Moving Beyond Missile Defense*: A joint project of the International Network of Engineers and Scientists Against Proliferation and the Nuclear Age Peace Foundation that brings together scientists and activists to explore alternatives to missiles and missile defenses, with attention to implications for space. Recent activities include a petition and a science-based study on a missile control regime (www.mbmd.org).
- *Institute for Cooperation in Space* has a mission to educate about US legislation H.R. 3616—the Space Preservation Act of 2002—and the forthcoming Senate bill and related issues. ICIS offers a model Space Preservation Treaty to ban space-based weapons (www.peaceinspace.com).
- *Mainstream Media Project*: US-based effort to bring disarmament advocates into mainstream radio. Current campaigns include missile defense,

with a strong focus on implications for space and potential of space weaponization. MMP also plans a broad-based education and advocacy campaign specifically on space weaponization. (www.mainstream-media.net/ current_ camp.html)

- *Stop Star Wars*: Greenpeace campaign offering basic educational material about missile defence and focusing currently on 17 activists arrested for direct action in California in July 2001. (www.greenpeace. org)

These examples are not exhaustive, and recent interest in the roles and potential of citizen monitoring and societal verification in security matters complement them. In such areas as nuclear and biological weapons, for example, we are seeing new proposals and discussions of the part that transnational civil society can play. But these initiatives do not yet match the range of involvement or breadth of expert and academic input that drove the effort to ban landmines. In comparison to the advocacy and diplomatic activity behind the Mine Ban Treaty, space weaponization matters also lack the constructive interaction of experts and advocates.

The space equivalents of the International Committee of the Red Cross assessments of landmines effects, for example, could include scientific studies of potential environmental effects from space weapons systems, the energy needs of current and pending systems supporting space weapons, the direct and indirect economic costs, and the resulting security environment. The case studies of hypothetical use of nuclear weapons in specific cities—the "bombing runs"—that physicians and medical experts undertook to educate the public during the cold war[50] are another example of the kind of research and debate needed to prevent an arms race in outer space.

Conclusion

Prevention of space weaponization is the key to prevention of an arms race in outer space. Space weaponization includes the research, development, or deployment of space-based and anti-satellite weapons. Most States and broad citizens' networks have clearly expressed a determination to keep space free of weapons and war. Advocates of space weaponization are essentially taking national security out of the international context. They are also reversing strategic planning by first developing weapons, then capabilities, then strategies, and they do this without considering the domestic or global consequences.

Space weapons plans, combined with the influence of the interested industries and the responses of other States, might make an arms race in outer space look like a pending reality. But prevention is also a possible reality. The complexity and costs inherent in developing and deploying space-based weapons, the logistical and technological gaps in military space plans, the lack of international support for space weapons, and the public outrage that is likely to erupt on security, economic, environmental, sustainable development, moral, and religious grounds if plans are pursued to turn outer space from a sanctuary to a war zone—all these obstacles provide the basis for a strategy of mobilization.

Notes

[1] Felicity Hill, "Militarising Space: Quantum Leaping Backwards," paper presented at United Nations Conference on Disarmament Issues in Ishikawa-Kanazawa on "The Asia-Pacific Region: evolution of the scope of security and disarmament in the 21st century," 28–31 August 2001, Kanazawa, Ishikawa, Japan.

[2] The Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, opened for signature on 27

January 1967, entered into force on 10 October 1967, 97 ratifications (as of 31 December 2001).

[3] For a full list see the UN Office for Outer Space Activities, see www.oosa.unvienna.org/SpaceLaw/outerspt.htm.

[4] The Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space (the "Rescue Agreement), opened for signature on 22 April 1968, entered into force on 3 December 1968, 87 ratifications; The Convention on International Liability for Damage Caused by Space Objects (the "Liability Convention"), opened for signature on 29 March 1972, entered into force on 1 September 1972, 81 ratifications; The Convention on Registration of Objects Launched into Outer Space (the "Registration Convention") opened for signature on 14 January 1975, entered into force on 15 September 1976, 43 ratifications; The Agreement Governing the Activities of States on the Moon and Other Celestial Bodies (the "Moon Agreement"), opened for signature on 18 December 1979, entered into force on 11 July 1984, 10 ratifications (as of 31 December 2001). See www.oosa.unvienna.org/SpaceLaw/treaties.html.

[5] The Declaration of Legal Principles Governing the Activities of States in the Exploration and Uses of Outer Space (General Assembly resolution 1962 (XVIII) of 13 December 1963); The Principles Governing the Use by States of Artificial Earth Satellites for International Direct Television Broadcasting (resolution 37/92 of 10 December 1982); The Principles Relating to Remote Sensing of the Earth from Outer Space (resolution 41/65 of 3 December 1986); The Principles Relevant to the Use of Nuclear Power Sources in Outer Space (resolution 47/68 of 14 December 1992); The Declaration on International Cooperation in the Exploration and Use of Outer Space for the Benefit and in the Interest of All States, Taking into Particular Account the Needs of Developing Countries (resolution 51/122 of 13 December 1996). See www.oosa.unvienna.org/SpaceLaw/ treaties.html.

[6] Annotated UN Agenda, A/56/100.

[7] UNGA Res. A/56/23, 2001.

[8] For country statements to the UNGA First Committee in 2001 see www.reachingcriticalwill.org/1com/2001state/ statein-dex.html.

[9] See www.oosa.unvienna.org.

[10] Albania, Argentina, Australia, Austria, Belgium, Benin, Brazil, Bulgaria, Burkina Faso, Cameroon, Canada, Chad, Chile, China, Colombia, Cuba, Czech Republic, Ecuador, Egypt, France, Germany, Greece, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Italy, Japan, Kazakhstan, Kenya, Lebanon, Malaysia, Mexico, Mongolia, Morocco, Netherlands, Nicaragua, Niger, Nigeria, Pakistan, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Saudi Arabia, Senegal, Sierra Leone, Slovakia, South Africa, Spain, Sudan, Sweden, Syria, Turkey, Ukraine, UK, US, Uruguay, Venezuela, and Viet Nam. See www.oosa.unvienna.org/ COPUOS/membership.htm.

[11] See A/56/20, Report of the Committee on the Peaceful Uses of Outer Space.

[12] Ibid., pp. 3-4.

[13] Ibid., p. 6.

[14] Ibid., p. 7.

[15] "Russia wants ban on space-based weapons," The Guardian, 28 September 2001.

[16] Statement by Ambassador Hu Xiadodi, Conference on Disarmament, 7 February 2002, Geneva. See www.reachingcritical-will.org/cd/chi070202cd.pdf.

[17] Canadian position on non-weaponization of outer space. See www.dfait-maeci.gc.ca/arms/outer3-e.asp.

[18] Statement by Deputy Foreign Minister Sergey A. Ordzhonikidze, UNGA First Committee, 11 October 2001, New York.

[19] Statement by Ambassador Hu Xiaodi, Conference on Disarmament, June 7, 2001, Geneva. See un.fmprc.gav.cn/eg/ 12869.html.

[20] "Working Paper Concerning CD Action on Outer Space," CD/1487, 21 January 1998.

[21] Documents released under AIA included briefing notes for the Minister of National Defence and others on topics such as Priorities of U.S. Secretary of Defense Donald H. Rumsfeld (24 January 2001), Report of the Commission to Assess U.S. National Security Space Management and Organization (23 Feb. 2001), United States Space Command (13 March 2001), and Pentagon Response to the Report of the U.S. Space Commission (8 May 2001), among other related issues.

[22] Statement by Ambassador Christopher Westdal, UNGA First Committee, 10 October 2001, http://www.reachingcritical-will.org/1com/2001state/cane101001.html. Statement by Ambassador Christopher Westdal, Conference on Disarmament, 7 February 2002, Geneva, www.reachingcriticalwill.org/cd/can070202cd.pdf.

[23] UN Press Release, 28 February 2002, Geneva. See www.unog.ch/news2/documents/newsen/dc0208e.htm.

[24] Report of the Commission to Assess United States National Security Space Management and Organization, Washington DC (Public Law 106-65), January 11, 2001. ("Rumsfeld Commission").

[25] Wade Boese, "Rumsfeld Restructures Operation of U.S. Space Programs," in Arms Control Today, June 2001, p. 23.

[26] Rumsfeld Commission, p. 7.

[27] Rumsfeld Commission, pp. 12-13.

[28] Rumsfeld Commission, p. 17.

[29] United States Space Command, *Vision for 2020*, February 1997.

[30] United States Space Command, *Long Range Plan*, March 1998.

[31] Bruce M. Deblois, "Space Sanctuary: A Viable National Strategy" Airpower Journal 12, no. 4:41–57 Winter 1998, see

www.airpower.maxwell.af.mil/airchronicles/apj/apj98/win98/deblois.html.

[32] Rebecca Johnson, "Multilateral Approaches to Preventing the Weaponisation of Space," in *Disarmament Diplomacy* Issue No. 56, April 2001.

[33] Deblois, p.4.

[34] Deblois, p.1.

[35] See, for example, William L. Spacy II, "Does the United States Need Space-Based Weapons?" Air University Press, September 1999.

[36] David W. Ziegler, "Safe Heavens: Military Strategy and Space Sanctuary Thought," Thesis presented to the faculty of the School of Advanced Airpower Studies, Maxwell Air Force Base, Alabama, June 1997, p.4.

[37] Ziegler, p. 6.

[38] Deblois, p. 9.

[39] Deblois, p. 10.

[40] Deblois, p. 11.

[41] Deblois, pp. 11–13.

[42] Deblois, p. 16.

[43] Suggestions to amend the 1967 Outer Space Treaty are likely to meet resistance from States as well as bodies involved in the peaceful uses of outer space, based on fear of undermining what the Treaty provides, including the ban on weapons of mass destruction and foundation for peaceful cooperation. An amendment requires majority support but would become effective for each State only upon its acceptance.

[44] Johnson, p.12.

[45] Ibid., p. 13.

[46] Johnson, p. 14.

[47] Theresa Hitchens, "Rushing to Weaponize the Final Frontier," *Arms Control Today* (September 2001), p. 20 (citing John E. Hyten, "A Sea of Peace or a Theater of War: Dealing with the Inevitable Conflict in Space," ACDIS Occasional Paper, April 2000).

[48] Hitchens.

[49] Peter Grier, The New Nuclear Theology, Christian Science Monitor, 8 May 2001 (cited in Johnson).

[50] Physicians for Social Responsibility (www.psr.org) and International Physicians for the Prevention of Nuclear War (www.ippnw.org).

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Missile proliferation and missile defence

*Miguel Marín-Bosch**

Extract

Nothing should serve to justify the acquisition and development of ballistic missiles. The solution to this problem is similar to that of all weapons of mass destruction, including nuclear weapons, i.e., a total ban of their use, testing, manufacture and development. Unfortunately, given the present international climate, ballistic missiles will continue to be an important component of the arsenals of several countries for years to come. ...what you invent today to enhance your security has a tendency to reappear later elsewhere as a threat.

The spread of all types of weapons is a worldwide phenomenon. Defense spending is up and the arms trade is growing. The proliferation of weapons of mass destruction (WMD)—nuclear, biological and chemical—and their delivery systems now seem ensured by changing perceptions of security threats. Small arms, light weapons and landmines continue to wreak havoc in many countries. And yet, the international community is unwilling or unable to tackle the problem. Worse still, genuine disarmament efforts are giving way to complacency.

For some, the end of the cold war signaled the end of the nuclear arms race. The nuclear-disarmament debate faded and other disarmament issues appeared, including the prolif-

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eration of ballistic missiles. Moreover, the use of ballistic missiles in recent wars and conflicts served to further peak the interests of some countries in their acquisition.

It was against this background that the United States decided to begin building a national missile defense (NMD). This decision pushed the disarmament/arms control debate into a discussion on the consequences of NMD, including a return to the question of the proliferation of ballistic missiles. This has drawn attention away from the crucial multilateral disarmament issue of the proliferation of weapons of mass destruction and their delivery vehicles in all its aspects.

The strengthening of controls on the international transfer of dual-use materials and technology by a group of Western countries has been one response to the problem, with well-known results—the effort addressed only part of the problem—horizontal proliferation.

In addition to the five permanent members of the Security Council, 28 countries have ballistic missiles. According to the Arms Control Association, fewer than ten have the capability to indigenously develop or maintain their missiles while only five India, Iran, Israel, Pakistan and the Democratic People s Republic of Korea (DPRK)—have produced or flight-tested missiles with ranges of over 1,000 kilometers. Most other States have short-range missiles inherited or purchased from the former Soviet Union.[1]

In 1998, the US Senate requested the Intelligence Community to produce annual reports on ballistic missile developments and threats. These reports will assess likely ballistic missile threats to the United States through 2015 and thus serve to justify security strategies and to alert public opinion in this regard. An unclassified summary of the fourth annual report was published in December 2001.[2] The document predicts that before 2015 the United States "most likely will face" intercontinental ballistic missile (ICBM) threats

"from North Korea and Iran, and possibly from Iraq ... in addition to the long-standing missile forces of Russia and China". However, it notes that its assessments are "subjective" and do not take into account potential changes in the political, economic and social situation of the countries involved.

US officials seem to distinguish between two groups of countries. Iran, Iraq and the DPRK, now described as an "axis of evil", fall within the group of countries with "hostile intentions" toward the United States. China and Russia are among those with "friendly intentions" toward the United States.

The report singles out the DPRK as the source of greatest concern, while recognizing that in May 2001 it unilaterally extended its voluntary flight-test moratorium until 2003, provided that negotiations continued with the United States. Its ongoing rapprochement with the Republic of Korea could lead to positive changes in the Korean Peninsula, but threat perceptions remain unchanged.

The Iran case should be viewed in a regional context. Moreover, though an active participant in all treaties regarding weapons of mass destruction (NPT, CWC and BWC), some have suspected it of having chemical weapons. However, the Organization for the Prohibition of Chemical Weapons (OPCW) has not found grounds to act in this regard. For its part, Iraq has used ballistic missiles on several occasions and has been involved in military conflicts over the past two decades. There is evidence that it has sought to develop ambitious programs of WMD.

Then there are the non-State actors (and here the report makes no distinction between terrorist, insurgent or extremist groups) that may seek to obtain chemical, biological, radiological, or nuclear materials to threaten or attack the United States or its interests. And yet, the tragedy of 11

September showed that there are other means available to attack a country's civilian population and cause great harm without resorting to WMD or ballistic missiles. Not even the most sophisticated anti-ballistic system would have been of any use that day.

The National Intelligence Estimate report points out that "US territory is more likely to be attacked with" chemical, biological, radiological, or nuclear materials "from non-missile delivery means ... than by missiles". It notes that they are less costly and more accurate and they can be used "without attribution".

Nothing should serve to justify the acquisition and development of ballistic missiles. The solution to this problem is similar to that of all weapons of mass destruction, including nuclear weapons—a total ban on their use, testing, manufacture and development. Unfortunately, given the present international climate, ballistic missiles will continue to be an important component of the arsenals of several countries for years to come.

Nothing should serve to justify the acquisition and development of ballistic missiles.

Put into simplistic terms, one might argue that it would be difficult to object if a country decided to acquire ballistic missiles (or an anti-missile defense system) if it thought that its security was threatened. And yet, what you invent today to enhance your security has a tendency to reappear elsewhere as a threat. The development of different and more sophisticated weapons and weapons systems, including missiles and missile defenses, has a way of boomeranging. They seem to offer security until others develop them. The cycle then repeats itself.[3]

Anti-ballistic missile defense systems appeared around the same time as ballistic missiles. Each defense system was designed to counter a specific threat. When there are multiple ballistic missile threats, one must seek a variety of responses. National Missile Defense (NMD) is the name the US has given to the anti-ballistic missile defense system it seeks to develop to counter the possible threat of a limited number of ICBMs of a small group of countries with "hostile intentions" towards it. A highly sophisticated system made up of satellites, radar, monitoring stations and interceptors, its cost is difficult to predict, but some have placed it around 100 billion dollars. It is a unilateral response to the proliferation of ballistic missiles and related technologies rather than an attempt to solve the problem. The use of outer space to deploy system components is one of the more controversial aspects of this system.

It is a unilateral response to the proliferation of ballistic missiles and related technologies rather than an attempt to solve the problem.

On 13 December 2001, President Bush announced that the United States would withdraw from the ABM Treaty within six months. The decision was based on the Treaty's provisions that prevent a Party from testing the technologies necessary for the development of strategic anti-ballistic defenses based on land, sea or in outer space.

The Executive Director of the Arms Control Association described the decision as "unnecessary, unwarranted and unwise". He added that it was bound to negatively affect US relations with its allies, China and Russia, as well as "undermine efforts to curb the spread of nuclear, chemical and biological weapons, a job that's even more urgent today" in the aftermath of September 11th.[4]

The United States will thus become the first country since World War II to withdraw from an important agreement related to international security. When, in 1994, the DPRK announced its intention to withdraw from the NPT, the international community reacted swiftly and convened a meeting of the Security Council—the DPRK did not withdraw from the NPT.

This decision by the United States, together with its failure to ratify the CTBT, its rejection of the BWC verification protocol, and its refusal to negotiate agreements on small arms and to adhere to the treaty on anti-personnel mines, reflect a lack of interest in the present international system. Clearly, there is a move to avoid those treaties that imply certain restrictions or prohibitions. If others were to find certain treaties not to their liking and opted to develop weapons that others had foregone, how would the international community react? Instead of building on internationally negotiated agreements, we are perhaps witnessing the unraveling of the multilateral disarmament and arms control system which has been so difficult to construct. Unilateral decisions by one major military power are bound to trigger a chain reaction involving other nuclear-weapon States.

In the search for a solution to the problem of ballistic missiles, the approaches are one-sided. It is necessary to control horizontal proliferation of ballistic missiles, in particular long-range missiles. The concern is not so much the number of countries that could have ballistic capability, but which States could acquire it (selective non-proliferation). Then there are the control regimes, such as the Missile Technology Control Regime (MTCR), whose ineffectiveness is evident. For this group to be able to control exports of dual-use nuclear materials and equipment, it would have to include all existing exporters among its members. Furthermore, the MTCR deals, or attempts to deal, with only one aspect of proliferation.

Some of its members possess nuclear-weapon programs, which they are not about to give up, but are determined to prevent others from acquiring them.

On 9 January 2002, the US Government published a revised policy paper on nuclear weapons (the second edition of its "Nuclear Posture Review").[5] The summary presented at a press conference by Assistant Secretary of Defense for International Security Policy was short on details but, in general, underlined the need for flexibility in planning the future of US nuclear forces. According to available information, the review is based on two key considerations regarding the current international environment. First, the United States is encouraging a more positive relationship with Russia aimed at ending the one based on "mutually assured destruction". And second, future threats to the United States are uncertain and could come from "multiple potential opponents".

With these changes, the US Government plans to move away from a "threat-based" approach (nuclear forces to counter the Soviet and later Russian arsenals) to a "capabilities-based" approach that would provide the broadest possible range of options for responding to a variety of security challenges. Under this new approach, it is hoped to shift the emphasis away from offensive nuclear forces and augment the strategic posture with enhanced conventional capabilities and missile defenses.

The United States will maintain its current nuclear force structure and will substantially reduce the number of operationally deployed warheads to between 1,700 and 2,200 by 2012. President Bush made this announcement on 13 November 2001. These numbers are similar to those agreed by Presidents Clinton and Yeltsin in 1997 for START III: 2,000 to 2,500, although then there was also talk of destroying warheads. The report further stated that these reductions could be adjusted if necessary.

On the other hand, the key weapons systems of the United States' current strategic nuclear force (ICBMs, SLBMs and bombers) would be maintained through "2020 and beyond". It is significant that there was no reference to tactical nuclear weapons.

The Assistant Secretary stated that some warheads would be destroyed while others would become part of a "responsive force"—operationally ready warheads that could be used as necessary to augment deployed nuclear forces. He indicated that this responsive force "would allow new nuclear weapons to be developed ... in much shorter time frames". He added, "we are trying to achieve these reductions without having to wait for cold war arms-control treaties and placing greater emphasis on missile defense capabilities and also on the development of advanced conventional capabilities".

That nuclear weapons continue to play a central role was reaffirmed when the Assistant Secretary said that "the cold war approach to deterrence, which was highly dependent upon offensive nuclear weapons, is no longer appropriate, which is not to say that nuclear weapons do not continue to play a role in that. We think they play an important role, a fundamental role. But we also believe that other kinds of capabilities will be needed in the future". Finally, the US Administration will try to accelerate the Defense Department's testing readiness and there will be no changes in its position on nuclear testing—opposition to the CTBT ratification and continued adherence to testing moratorium.

The first reaction to this information comes to us naturally. What will happen to the NPT and the program agreed at the Sixth Review Conference? Is this new nuclear posture of the United States compatible with the aspirations of the rest of the international community? Can one now request others to disarm and perhaps forego their own security?

In its immediate response, the Russian Federation reiterated its position that the reduction of nuclear forces should be significant, verifiable and irreversible.[6]

In March 2002, there were unofficial reports that the Nuclear Posture Review also called for the development and deployment of new nuclear weapons, better suited for striking targets in, DPRK, Iran, Iraq, Libya and Syria (all NPT signatories).[7] It will modernize its nuclear force and develop a more flexible array of weapons, thus lowering the threshold for their use. This will no doubt have important implications for vertical proliferation and non-first-use of nuclear weapons.

The solution to the problem of the proliferation of ballistic missiles and related technologies could be found through a universally acceptable approach, through concerted efforts based on multilateral agreements grounded in international law. But the world is now moving in the opposite direction, with the ensuing risk of dismantling the present multilateral regime that has taken years to build.

Diplomacy and international law offer a variety of avenues that should be explored. All aspects of the problem could be examined in existing multilateral fora. The UN General Assembly has already established a group of governmental experts which will make recommendations in 2002 on the best way to approach the subject of ballistic missiles in all its aspects (General Assembly resolutions 55/33 A and 56/24 B).

The solution to the problem of the proliferation of ballistic missiles and related technologies could be found through a universally acceptable approach, through concerted efforts based on multilateral agreements grounded in international law.

The way to proceed is to negotiate a framework agreement to regulate the different aspects of the problem of the proliferation of weapons of mass destruction and their delivery systems.

Those resolutions contain two preambular considerations that are especially relevant. One is the need to reaffirm the role of the UN in the field of disarmament; the other is the need for a "comprehensive approach towards missiles, in a balanced and non-discriminatory manner, as a contribution to international peace and security". Although no country voted against them, it is thus difficult to explain how some 60 Member States saw fit to abstain on those resolutions.

The international community's interest in the subject is apparent in various other fora: UNISPACE III (held in Vienna in 1999) focused attention on several important aspects of the problem; the meeting of experts on the establishment of a Global Control System for the non-proliferation of ballistic missiles and related technologies held its second session in Moscow in February 2001; and, in February 2002, a meeting was held in Paris to consider a draft international code against the proliferation of ballistic missiles.

Those meetings addressed certain aspects of the problem and might contribute to a truly global solution. In 1990, Mexico proposed to the members of the Conference on Disarmament (CD) to begin an informal dialogue on all aspects of the issue of the proliferation of WMD and their delivery systems with a view to identifying measures that could later be negotiated in the CD. During a number of meetings, there were frank discussions, but these were later discontinued.

On outer space matters, the CD has acquired significant expertise after six years of debate in its ad hoc commit-

tee. Unfortunately, the US delegation objected to a continuation of its work. The Committee has not been reconvened since then despite the important developments taking place in this area.

The way to proceed is to negotiate a framework agreement to regulate the different aspects of the problem of the proliferation of weapons of mass destruction and their delivery systems. Such a negotiation should be guided by universally acceptable and non-discriminatory principles. At the same time, there could be negotiations on different aspects of the problem. Their results could later be included in the framework agreement.

The following steps would be conducive to further the negotiations on the issue:

- compliance with the existing WMD treaties
- guarantees of no first-launch of ballistic missiles
- negotiation of a code of conduct
- opening a dialogue in the CD on the non-proliferation of weapons of mass destruction and their delivery systems in all its aspects
- a new approach to the question of transfers of dual-use technologies and materials
- greater reliance on non-military methods: diplomacy, cooperation, and arms control.

Notes

1 "Global Ballistic Missile Proliferation," *Fact Sheet*, Arms Control Association, Washington, DC, June 2001.

2 *Foreign Missile Developments and the Ballistic Missile Threat Through 2015*, National Intelligence Estimate, CIA, Washington, DC, 2001.

[3] Miguel Marín-Bosch, "Nuclear Disarmament, 1995–2000: Isn't It Pretty to Think So?" *Disarmament Forum*, One, 2000 (Geneva: UNIDIR, 2000, pp. 13–20), p. 18.

[4] Daryl Kimball, Press Conference, Arms Control Association, 13 December 2001. For a review of international opinion regarding NMD, see, *inter alia*, *Bulletin of the Atomic Scientists*, November/December 2001, pp. 22–43.

[5] "Special Briefing on the Nuclear Posture Review", 9 January 2002, Defense*LINK*, US Department of Defense.

[6] US-Russia Press Conference, Washington, DC, 16 January 2002.

[7] Michael R. Gordon, "US Nuclear Plan Sees New Weapons and New Targets", *The New York Times*, 10 March 2002.

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Missile proliferation and missile defense

*M. Javad Zarif**

Extract

The global security environment is becoming increasingly volatile and dangerous. A new arms race is looming in the horizon ... [Missiles have] become the strong weapon of the poor and the discriminated against who find themselves vulnerable to outside threat. They believe missiles may prove instrumental in deterring the enemy from beginning a full scale war ... the engagement of all states at the United Nations in the issue of missiles, through the panel of governmental experts, and the new idea of exploring the subject in the Conference on Disarmament do provide a dim light at the end of the tunnel. ... Efforts at non-proliferation of missiles are more likely to succeed when viewed as an integral part of a global and comprehensive negotiation and progress in other areas of disarmament.

The global security environment is becoming increasingly volatile and dangerous. A new arms race is glooming in the horizon. The international community's major achievements in international security, non-proliferation and disarmament are unraveling—withdrawal from the ABM—rejection

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The paper was presented by Hamid Eslamizad, Director, Department for Disarmament and International Security, Ministry of Foreign Affairs of the Islamic Republic of Iran.

of the Comprehensive Nuclear-Test Ban Treaty (CTBT)—veto of the protocol to the Biological Weapons Convention (BWC), and strangulation of the Organization for the Prohibition of Chemical Weapons (OPCW). Each of these would have constituted a formidable challenge, had they all not happened within the past six months to a year. And now, the bombshell; "The Nuclear Posture Review" flouts everything that was achieved in the 1995 and 2000 Nuclear Non-Proliferation Treaty (NPT) Extension and Review Conferences and threatens the very foundation of the NPT and nuclear non-proliferation regime.

The barbaric terrorist atrocities of September 11th proved beyond a shadow of a doubt that we all have one fundamental commonality: our vulnerability. The horror of that day illustrated that no country, however powerful, can be immune from the menaces that threaten the rest of the international community. It showed that global problems ranging from terrorism to environment, to weapons of mass destruction (WMD) require global and not unilateral responses. One would have expected that such recognition would lead to a search for common global responses to global challenges. But, in fact, the tragedy of September 11th is producing a policy tragedy with much more dangerous implications.

While the issue of missiles is complex enough, in and of itself, it is further complicated by these trends. Specific concerns about missiles is not only limited to the horizontal proliferation, but also includes vertical proliferation of all types of missiles, the question of stockpiles, deployments, targeting and anti-missile systems as well. Added to that is the broader issue of security and threat perception and the necessity to look at missiles taking into account various experiences and conditions.

The missile issue has become more controversial since the end of the cold war. In April 1999, the United

Nations Secretary General stressed the need to develop some multilaterally negotiated norms against missile proliferation. In response to that call, the Islamic Republic of Iran initiated a process by tabling a non-ambitious draft resolution on missiles in the UN General Assembly a few months later (resolution 54/54 F). Hence, the United Nations was drawn into considering the issue of missiles in all its aspects.

In 2000, the General Assembly adopted another resolution (55/33 A) requesting "the Secretary-General, with the assistance of a panel of governmental experts to be established in 2001, to prepare a report for consideration at its fifty-seventh session on the issue of "missiles in all its aspects". It is hoped that this report will make the conceptual issues relevant to and priorities of the question of missiles clear and suggest a road map to increase international security.

To ensure the timely submission of the Secretary-General's report to the fifty-seventh session of the General Assembly, the panel of governmental experts held three meetings: its first meeting from 30 July– 3 August 2001, its second from 1–5 April 2002 and a third from 1–9 July 2002.

Following the UN engagement with the overall issue of missiles, parallel steps were also initiated, albeit with a selective agenda and exclusive membership, and some even formulated a document, which, in the view of those exclusive members, represented the concerns of the entire international community on missiles.

Naturally, to many states not involved in the consideration of that restrictive agenda, the outcome document of the exclusive groups has only academic value. It is highly unlikely for this process to bear objective and realistic results, particularly on quintessentially important issues of national and international security.

Given the diversity of elements affecting the issue of missiles, the following are some ideas for further consideration and reflection in any genuine effort to address the issue of missiles in the broader context of security:

1. Missiles, threat perceptions and options

Opting for missiles is surely based on two major elements: the threat perception and the options available for delivery systems. It is natural to expect a state, with its vital population and economic centers within fire power of a potential enemy, to seek the ability to strike back in case of a war. In other words, various delivery systems available to a potential enemy have a definite role in the formulation and execution of the defense strategy of the other side.

At the regional level, modern tactical aircrafts are the most effective and efficient offensive and defensive means of delivery. They may even be capable of carrying larger payloads with much greater accuracy in targeting. More significantly, they are not disposable delivery systems like missiles and can theoretically continue to carry out missions one after another.

However, access to sophisticated tactical aircrafts is greatly skewed for many reasons, including disparate technological advancement, disparate financial ability, and disparate assessment of the "political correctness" of the would-be recipient states by the few manufacturing states. Under some of these scenarios, if a country considers itself under serious threat of an adversary and unable to acquire sufficient tactical aircrafts, it may feel compelled to acquire missiles regardless of their disadvantages.

2. Missile as means of delivery

There is a simplistic tendency to reduce the role of missiles, or at least ballistic missiles, to delivery vehicles only for WMD. This, in many respects, is like crying wolf. To use or not to use weapons of mass destruction relates to the fundamental principles of a state's overall policies, including its foreign and defence policies.

In this context, it should not be forgotten that missiles do not have to carry non-conventional weapons to induce a psychological impact greater than deployment of all other types of conventional weapons. The sheer impression, correctly or erroneously, that missiles can penetrate any defense system and that there is no reliable means of diversion or destruction of ballistic or cruise missiles make them a potentially strong and effective weapon to affect the psyche of the enemy. In many ways, such psychological impact would begin to decline as missiles are actually deployed.

Missiles have therefore become the strong weapon of the poor and the discriminated against who find themselves vulnerable to outside threat. They believe missiles may prove instrumental in deterring the enemy from beginning a full scale war. Deterrence, after all, must be the perpetual goal of the military strategies of such states that have had to settle for inferior military hardware.

3. Lack of discipline

There is no international discipline on missiles. Legally binding international instruments dealing with weapons of mass destruction do have references to their means of delivery, which do not necessarily include missiles. And the interpretations that limit the role of ballistic missiles and ballistic technology to only a means of delivery of WMD is too arbitrary to command respect and general acceptability.

It might not need much reasoning to prove that attempts within closed non-transparent export control regimes to counter acquisition of missiles and missile technology have not been successful. The deliberate neglect of the security requirements of other countries as well as the negative implications of such restrictive regimes on economic and technical development of targeted countries have depicted them more as a political tool at the disposal of the haves against the have-nots.

4. Missile defense: security or chaos?

The issue of missiles can hardly be fully considered without having an eye on the relationships among the big players and on the general progress, or lack thereof, and trend in the larger field of disarmament.

The impact of the unilateral withdrawal from and practical abrogation of the Anti-Ballistic Missiles (ABM) Treaty has not yet been fully absorbed. For decades, the ABM has been considered the cornerstone of the international strategic stability and the basis for many follow-up instruments and agreements governing the state of security today.

The acquisition of the capability to deny one's rival(s) the possibility of a counter attack will eventually compel it (them) to seek not only comparable capabilities, but also to devise new systems to infiltrate one's defensive shield. This would naturally end up with a new round of arms race, which could even expand to outer space. Should it be the case, one could not expect the effects of such setbacks to remain limited only to the parties to the ABM treaty.

The entrance of other nuclear-weapon states into this race is bound to adversely affect the regional security environment and provoke a new round of arms race at the regional level too.

The prospect

The unilateral approaches and tendencies of a major power in the field of arms control and disarmament, which has thus far hampered several international initiatives and endeavors to achieve agreed results, have caused setbacks in all fields of arms control and disarmament. The present circumstances do not allow for a great deal of optimism for at least the near future. Some argue that we are in the midst of post September 11th shock and we may snap out of it as times go on.

On the other hand, the engagement of all states at the UN in the issue of missiles, through the panel of governmental experts, and the new idea of exploring the subject in the Conference on Disarmament do provide a dim light at the end of the tunnel. The reference of all initiatives to the panel of governmental experts and the readiness of all parties to engage in a truly deliberative process could surely be instrumental in the search to find the right answer that meets everyone's concern about missiles.

In conclusion, the following issues are presented as salient factors that, in view of the author, must be further considered in any serious deliberative process on issues of security, including that on missiles:

- The international community is yet to develop the complexity and sophistication to embark on a comprehensive, yet variegated approach to non-proliferation of missiles. The panel of governmental experts assisting the UN Secretary-General to prepare the report on missiles on all its aspects is a modest first step in that direction.
- It is important to develop greater focus on major components of defense strategies in various regions and draw distinction, where appropriate,

between missile programs designed to deliver weapons of mass destruction from those that are conventional. The threat and destructive capability of missiles carrying conventional weapons should be compared to those of other delivery systems such as tactical aircrafts to allow for a full picture of threat, its perception and possible responses. Contrary to missiles, tactical aircrafts are not disposable delivery systems with greater military potentials.

- Access to tactical aircrafts is not objectively distributed on the basis of security threat, but on technological advancement first and political alliance second. This fact of today's international life has direct bearing on the degree of success in efforts to control missile proliferation.
- Efforts at non-proliferation of missiles are more likely to succeed when viewed as an integral part of a global and comprehensive negotiation and progress in other areas of disarmament.
- The extent of missile proliferation and its control are dependent less on adversarial and selective means of control like export controls and more on the degree of the international community's preparedness to be responsive to a process of integration, political engagement and to the differing requirements of each region and state in terms of its particular security concerns.

The two latter points apply to international security and disarmament agenda as a whole. It requires a change of approach and indeed a paradigm shift in global security considerations. Permit me to repeat here what I proposed to the

Conference on Disarmament three years ago and again last week:

> "We cannot seek to establish a civilized community of human beings and States without accepting the premise that all peoples and States have an equal right to survive and to guarantee peace and security for their citizen. ... It is high time to change [the] predominant yet erroneous security paradigm. Fundamental to this is adoption of a new approach towards international security going beyond the boundaries of the residuals of the bipolar system, which is fixated in the past. It is no longer acceptable or even practical to divide the international community into two distinct groupings. One is living behind the walls of fortresses of alliances and weapons of mass destruction, while the security concerns of others are completely neglected as they are depicted as the source of possible threat and worthy of containment and deprivation. It is especially alarming that pseudo-scientific theories of clash are advanced in order to perpetuate the policies of rivalry and exclusion and to even sanctify them as the unavoidable consequences of civilizational disharmony. The time has come to replace military block security umbrellas with a new and innovative concept of *Global Security Networking*; a truly global networking mechanism for an inclusive and participatory global security, which uses the existing mechanisms in a complimentary rather than competing scheme."

* * *

Regional approaches to disarmament: an African approach to an African vision

*Nozizwe Madlala-Routledge**

Extract

Disarmament is only one component of a much broader agenda: the Agenda of Peace, Stability, and Security for the 21st Century. ... The object of disarmament should be to support and complement other components which are equally valid and necessary to secure the well-being of our peoples and to guarantee peace and stability for our governments in the 21st Century.

Disarmament is only one component of a much broader agenda: the agenda of peace, stability and security for the 21st century. It is, therefore, imperative that when reviewing what could be accomplished in one component—that of disarmament—the broader comprehensive approach to peace is not forgotten. The object of disarmament should be to support and complement other components that are equally valid and necessary to secure the well-being of our peoples and to guarantee peace and stability for our governments in the 21st century.

Secondly, there can be no regional approaches to disarmament that are sustainable and effective unless these fit into the agenda of common and sustainable peace.

* *Nozizwe Madlala-Routledge is Deputy Minister of Defence, South Africa.*

It is my intention to share with you the manner in which Africa is engaging in this sustainable process and to demonstrate how regional disarmament measures in Africa have been created as part of a larger whole.

A comprehensive approach to peace and security: the African vision - NEPAD

In 2001, at Lusaka, the Heads of State of the Organization of African Unity (OAU) agreed on a common vision for African development entitled "The New Partnership for African Development" initiative or NEPAD. One of the most interesting aspects of this initiative is the recognition that a *Programme of Action* for Africa to secure its future, necessarily starts with securing the pre-conditions for sustainable development which are: a peace and security initiative; and a democracy and governance initiative in Africa. As components of the former, NEPAD indicates that: "the peace and security initiative consists of three elements:

- promoting long-term conditions for development and security;
- building the capacity of African institutions for early warning, as well as enhancing African institutions' capacity to prevent, manage and resolve conflict;
- institutionalizing commitment to the core values of the African initiative through the leadership".

This component further details that efforts to build Africa's capacity to manage every aspect of conflict should focus on the means necessary to strengthen existing continental and regional institutions, "especially in four key areas:

- prevention, management and resolution of conflict;
- peacemaking, peacekeeping and peace enforcement;

- post conflict reconciliation, rehabilitation and reconstruction;
- combating the illicit proliferation of small arms, light weapons and landmines"

The manner in which NEPAD addresses combating the illicit proliferation of small arms, light weapons and landmines clearly demonstrates that it is seen and acted upon as part of a greater comprehensive whole. By the same token, this "bigger picture" is as much tied to hard security as it is to Africa's sustainable development agenda.

Factors impacting on conventional disarmament: the case of small arms and light weapons

Perhaps there is no better example of comprehensive African thinking in action than the discussion of small arms and light weapons control and disarmament. Before I refer to the specific case of small arms proliferation in Africa, it is useful to make a few comments as to the overall disarmament needs and approaches in Africa in all its aspects.

Disarmament initiatives involving conventional weapons have proven to be both contentious and complex. The main reason is that unlike nuclear, biological and chemical weapons, where international norms against their use have been developed, conventional weapons have a legitimate function within State structures. It is the sovereign right of each State to defend and protect its sovereign interests and the security of its people. In so doing, each State has the right to acquire these weapons systems for its self-defence, an inherent right that recognized under Article 51 of the UN Charter.

Having said this, the problems caused by conventional weapons that fall into the wrong hands have sparked the debate on how this can be curbed. In recent years, regional

initiatives relating to disarmament in the field of conventional arms have focused mainly on the issue of small arms and light weapons, as these have proven to be the so-called weapons of choice in internal conflicts and are relatively easy to get hold of. As far as small arms and light weapons are concerned, the paradox is that they pose a potentially greater threat to civilians and the resultant stability of countries in post-conflict situations than during a conflict. In the efforts to bring about peaceful resolutions to armed conflicts during the previous two decades, inadequate measures to disarm, demobilize and reintegrate former combatants have left parts of the world awash with these weapons, thus fuelling criminal and other unlawful activities.

While inadequate efforts to disarm former combatants is perhaps the single biggest aggravating factor governing the movement and use of these weapons, a second is the phenomenon of developed countries or those aspiring to conform to the standards of weaponry set by certain military alliances, to rid themselves of existing unwanted, unused stocks of small arms and other conventional weapons. The third factor is the potential, or lack thereof, of most countries to control existing or newly acquired government controlled weapons stocks.

This third factor becomes critical if countries are to address the issue of the illicit proliferation of small arms and light weapons and this is also why South Africa has consistently advocated a link between the licit and the illicit arms trade. Countries that lack legal and administrative measures at the national levels over the manufacture, possession, use and trade in small arms and light weapons have no way of guaranteeing that these weapons will not form part of the illicit trade through direct theft from State armouries or the theft or diversion of arms exports.

Thus, South Africa is of the view that global or regional approaches to disarmament as far as the small arms issue is concerned have as a starting point the issue of controls at the national level. Effective regional approaches to combat the illicit arms trade must start with measures to strengthen regulation, with control and restraint for legal arms possession and transfers. Cooperation on border controls, arms export licensing systems and police cooperation are key issues in combating the illicit small arms proliferation, but without the necessary national control systems, such cooperation will remain paralyzed.

The impact this has on regional cooperation is that the levels of cooperation will vary from one region to the next. The reasons for this relate to the security situation within countries, the stability factor in particular regions, as well as the resultant reluctance or unwillingness by some countries to participate in information exchange and other transparency measures. As a result, practical steps to combat the illicit proliferation of small arms and light weapons at the global level are affected, as these varying levels of regional cooperation make it difficult to have an international blueprint to deal with this issue. The *Programme of Action*, adopted at the July 2001 "UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects", recognized this fact and clearly identified measures to be taken at the national and regional levels as key to addressing the problems of this illicit trade.

The regional approach to disarmament: subregional and continental

African subregional approaches to disarmament in the field of small arms and light weapons have ranged in scope, and while in certain regions there has been virtually no cooperation, the cooperation in others have taken the form of some very practical measures.

In Southern Africa, the region has focused on *arms regulation and national legislation*. The main vehicle for the development of a cooperative approach in the region has been the *Southern African Development Community* (SADC). With the signing of the "**Protocol on the Control of Firearms, Ammunition and Other Related Materials in the Southern African Development (SADC) Region**" by the SADC Summit of Heads of State in August 2001, a comprehensive instrument was adopted aimed at dealing with both the legal and the illicit transfers of firearms in the region. The impetus for the negotiation of this Protocol was a result of the upsurge in violent crime in the region and the lethality of the conflict in Angola, partly as a result of the incomplete disarmament processes in Mozambique and Angola during the early and mid-1990s. The Protocol includes the need for SADC Members to enact national legal measures to ensure proper controls over the manufacturing, possession and use of firearms and ammunition; provisions promoting legal uniformity and minimum standards as to the manufacture, control, possession, import, export and transfer of firearms and ammunition; ensuring the standardized marking of firearms at the time of manufacture, export or import; provisions relating to brokering; controls and limitation on legal civilian possession of firearms; mutual legal assistance and information exchange, and; the destruction of surplus, redundant or obsolete State-owned firearms, ammunition and other related materials.

The approach followed in the Great Lakes and the Horn of Africa is very similar to the one followed by Southern Africa and one which has seen the wide availability of arms used in the conflicts in Burundi, Democratic Republic of Congo (DRC), northern Uganda and southern Sudan. The small arms that have fuelled these conflicts also manage to enter the illicit trade in the regions, thus leading to an escala-

tion in violent crime. With the adoption of the Nairobi Declaration on the problem of the proliferation of illicit small arms and light weapons in the Great Lakes region and the Horn of Africa in March 2000, the States in this region adopted a significant statement on the issue, which until that time had been considered too sensitive to discuss openly. The Declaration calls for effective controls over the possession and transfers of arms through measures relating to civilian gun ownership and strengthening subregional cooperation among law enforcement agencies.

In West Africa, the priority issue has been that of *arms reduction and control*, where the initiative to control the illicit trade in small arms grew out of efforts aimed at conflict resolution in northern Mali. The primary concerns with small arms and light weapons proliferation continues to be their use as tools in the region's ongoing internal conflicts. Large quantities of these weapons have entered into and are, in many cases, being recirculated in the West African region, thereby not only posing a threat to fragile peace accords, but fuelling conflict and increasing violent crime and banditry. In order to curb this flow into and recirculation of weapons, the 16 Members of the Economic Community of West African States (ECOWAS) agreed in November 1998 to a three-year moratorium on the import, export and transfer of small arms. This ECOWAS Moratorium was renewed earlier this year. The operational framework that has been established to give practical effect to the moratorium, the Programme for Coordination and Assistance on Security and Development (PCASED), has been tasked with mobilizing resources to enhance the capacity of the governments to combat the illicit small arms trade, enhance legal controls on weapon flows and promote public awareness.

Conclusion: the African approach

With the adoption of the Bamako Declaration on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons on 1 December 2000, for the first time the African continent articulated a continent-wide strategy for tackling the illicit small arms problem.

This strategy is comprehensive in that it addresses both the supply and demand aspects of the issue and that prevention is recognized, together with control and reduction. The provisions agreed to by the African Ministerial Conference target both the legal and the illicit trade in small arms, calling for the 'institutionalization' of programmes of action on small arms at both the national and regional levels. While not politically binding on any African country, the Bamako Declaration sends a powerful political commitment to the eradication of the problems created by the illicit small arms trade.

The almost identical approach reflected between the comprehensive character of the *African Common Approach* to the problem of illicit proliferation of small arms and light weapons *and* the comprehensive character of the African vision for the 21st Century as expressed in the *NEPAD initiative*, are the best proof that Africa is no longer expressing its wishes but acting strongly to support its best interests.

The best interests of Africa are to achieve lasting peace and sustainable well-being for its peoples. The way Africa will obtain these goals is through comprehensive strategies that recognize the problems as they are, and that work to overcome them with the tools at its disposal.

The tools of Africa are those of cooperation and dialogue. It was only when these original tools were temporarily lost during our turbulent past, where external power plays and

foreign economic interests primed over our own concerns that conflict erupted and remained.

Africa is back, using the tools that have always been ours by right and we shall use them to bring peace and development to our continent. Conventional disarmament in general, and the prevention, control and eradication of small arms and light weapons proliferation, in particular, are necessary components of the African agenda; but they are only components. Our goal is and must be to achieve lasting peace and prosperity for our countries and our peoples.

* * *

Security after 11 September: Regional initiatives in CBMs and arms control

*William Paterson**

Extract

The unprecedented level of international cooperation in the fight against terrorism has provided impetus for greater engagement on common threats which can contribute both to global stability and to the stability of our region [Southeast Asia]—including in addressing longer-standing security problems.

In addressing confidence-building measures (CBMs), it might be useful to begin by looking at the security implications of 11 September and the regional response to the new security challenges that have arisen since then. Some commentary has already concluded that the gridlock in international arms control before 11 September has been compounded by US resolve after it. There is, however, a more positive side to the dramatically changed circumstances. The unprecedented level of international cooperation in the fight against terrorism has provided impetus for greater engagement on common threats that can contribute both to global stability and to the stability of our region—including addressing longer-standing security problems.

* *William Paterson is First Assistant Secretary, International Security Division, Department of Foreign Affairs and Trade, Australia.*

Vulnerability to new forms of highly lethal terrorism has emerged as an immediate threat to global and regional security.

Australia takes a global view of its security interests. But it might be helpful if today I looked more closely at the Asia-Pacific, where a mix of new and enduring security challenges exist side-by-side. I would like in this context to touch on the role of the ASEAN Regional Forum (ARF) in developing and implementing relevant CBMs, and also to address some regional CBMs and related activities in the conventional weapons and arms control fields.

Security implications of 11 September

The events of 11 September have forced a re-assessment of priorities in many areas of international policy, including regional security policy and engagement. I do not intend to buy into the debate about whether or not 911 represents a paradigm shift in international affairs. Suffice it to say that vulnerability to new forms of highly lethal terrorism has emerged as an immediate threat to global and regional security, and that the terrible demonstration effect of 11 September has increased the risk of further attacks. The international community is even more alert now to the threat of terrorism, including possibly the use of non-conventional weapons and WMD.

The global and regional security environments have acquired a new layer of complexity since 11 September. Common areas of interest in fighting terrorism have created some positive dynamics among the major powers. The United States and Russia have taken some constructive steps to develop a new strategic framework better suited to the post-cold war security environment. Russia now identifies its own

security more closely with that of Europe, Japan has taken on a more robust international and regional security role, and China has shown strong support for the international campaign against terrorism. Australia welcomes all of these developments, recognizing that sustained improved relations among the major powers could significantly enhance global and regional security.

The events of 11 September and the continuing threat from international terrorism have had a profound effect on security thinking in the Asia-Pacific region. Nearly all countries in the region, in some way or another, have lent their support to the global coalition against terrorism. Many countries, including Australia, have offered practical assistance to the United States in its military campaign in Afghanistan.

At the meeting of the ASEAN Pacific Economic Cooperation (APEC) in Shanghai in October 2001, leaders unequivocally condemned the terrorist attacks and resolved to enhance counter-terrorism cooperation, including through financial measures to prevent the flow of funds to terrorist groups. ASEAN leaders issued a similar statement at their summit in Brunei last November. Practical cooperation on terrorism between ASEAN members is gathering momentum.

The Chairman of the ASEAN Regional Forum, the only region-wide body devoted to security issues, released a statement on the terrorist attacks on behalf of participating states, describing the acts as an attack against civilization itself and an assault on all of us. Although modest, the statement is significant in pledging ARF members to cooperate further in the fight against terrorism.

Taiwan remains the most sensitive security issue in the Asia-Pacific.

Even so, there is no room for complacency. In South-East Asia we have become aware of possible links between some extremist groups and international terrorist organizations. Combating these groups will require hard decisions and concerted action.

Long-standing regional security issues

Difficult and long-standing security issues also persist, including in East Asia—namely Taiwan and the Korean Peninsula, and competing claims in the South China Sea.

Taiwan remains the most sensitive security issue in the Asia-Pacific. It is the only issue with the potential to bring about direct conflict between two major regional powers—China and the United States. The region has a vital interest in the continued peaceful management of cross-straits relations.

Security concerns on the Korean Peninsula demand full resumption of North-South engagement as well as DPRK-US engagement. Confidence-building is not possible without contact. Australia supports the 1994 Agreed Framework's freeze on DPRK's nuclear activities, building on our strong support for the Korean Peninsula Energy Development Organization (KEDO)— the latter representing a highly practical CBM, but one which can only work if the agreed conditions are met. CBMs are a two-way street.

The Korean Peninsula Energy Development Organization represents a highly practical CBM, but one which can only work if the agreed conditions are met.

Australia also supports efforts to develop a comprehensive and verifiable regime on DPRK missiles, as well as conventional weapons

restraints. Early agreement on CBMs to reduce tensions on the Demilitarised Zone (DMZ) is vitally important.

Efforts to develop a Code of Conduct among the claimants should continue.

Australia does not take a position on competing claims in the South China Sea as this is a matter for the parties concerned to resolve. But we do have a close interest in developments there. Heightened tensions and rivalry between claimants could adversely affect the broader security of the Asia Pacific region, and shipping routes critical to Australia and major regional economies pass through the area. Efforts to develop a Code of Conduct among the claimants should continue. Such a Code, once concluded, would represent a highly significant CBM.

Recently renewed volatility in India-Pakistan relations, against the backdrop of continued nuclear instability and conflict in Kashmir, is also of international and regional security concern. The danger of a nuclear arms race in South Asia is a central consideration in the wider Asia-Pacific security outlook. The Lahore Declaration identifies a number of bilateral CBMs, which, if faithfully implemented by the parties, would markedly improve the security environment.

Other traditional and "non-traditional" threats to security remain extant. The threat from weapons of mass destruction is now even more acute. The further proliferation of WMD is perhaps the major global and regional challenge to security we all face. Intra-state conflict has increasingly become a major threat to security. Economic difficulties, and ethnic and separatist conflicts in South-East Asia and the Pacific, have the potential to create security problems for the wider region; as do a host of transnational concerns, such as illegal people movements, money laundering, drugs, piracy,

The Lahore Declaration identifies a number of bilateral CBMs, which, if faithfully implemented by the parties, would markedly improve the security environment.

small arms, cyber-crime—a number of these being marked also by links to terrorism.

Each of these issues requires a tailored approach—and some of them have been and should continue to be addressed in the ASEAN Regional Forum (ARF), which provides a useful framework to build on the enhanced spirit of regional security cooperation that has emerged over the last several months.

ASEAN Regional Forum

Established in 1994, the ARF provides a setting in which members can discuss pressing regional security issues, and arms control and non-proliferation, and develop cooperative measures to enhance peace and security in the region. Much of the ARF's activity to date has been centered on confidence-building activities, including on subjects such as peacekeeping, piracy, conventional arms, and disaster relief. The ARF has also done some work on security aspects of transnational crime.

Australia continues to regard the ARF as a useful complement to the bilateral alliances and dialogues that underpin the region's security architecture, and as valuable in promoting stable relationships between the major powers. But we would like to see the ARF membership do more, including developing a preventive diplomacy function. The challenges posed by terrorism present opportunities for the ARF to contribute substantially to meeting this particular security problem and, more generally, to raise the level of commitment and ambition in collectively addressing security issues.

We welcome the holding of an ARF workshop on Financial Measures Against Terrorism in Honolulu from 24-26 March 2002, hosted jointly by the United States and Malaysia. Another ARF workshop, to be co-hosted by Australia and Thailand in Bangkok from 17-19 April 2002 will bring together experts to focus on border controls cooperation, security management for major international events, detection of explosive materials and aviation security. These are the first such events in what is likely to be a series of counter-terrorism activities under ARF auspices over the next year or so. They are, in the broadest sense, CBMs: building domestic capabilities and confidence, robust institutions and habits of cooperation, the better to meet common challenges.

Defence transparency

One of the unique aspects of the ARF process is that both foreign affairs and defence officials attend its meetings. A modest but significant ARF CBM is one where members are encouraged to provide voluntary briefings on issues such as defence policy and spending to increase transparency and build confidence and so contribute to regional stability. In this context, I note that Australia provided briefings on the Australian Defence White Paper, which was released in December 2000, at ARF meetings in 2001. All ARF members should be encouraged to produce authoritative and transparent Defence White Papers and share them within the ARF as a confidence-building measure. ARF members also submit on a voluntary basis Annual Security Outlooks which provide an outline of members' security perspectives and priorities.

But we would like to see the Asian Regional Forum membership do more, including developing a preventive diplomacy function.

Small arms and light weapons

Australia believes that the ARF can also serve as a useful focus of efforts to address the security problems associated with the illicit trade in Small Arms and Light Weapons (SALW). Our concerns about WMD should not obscure the fact that most weapons used in most forms of conflict, resulting in the overwhelming majority of casualties, are small arms.

The Programmeme of Action adopted at the UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, in July 2001, established a series of political commitments and practical measures for countries to draw on in combating small arms problems at national, regional and international levels. Given that these problems are manifested in different ways in different parts of the globe, considerable effort has rightly been devoted to regional and sub-regional initiatives to address them, in areas as diverse as Africa, the Americas, Europe and the South Pacific.

In the latter case, members of the Pacific Islands Forum have developed a common regional approach to weapons control, known as the Nadi Framework. With support from a number of other countries in the Asia Pacific, the Pacific Island states have been active in developing model arms control legislation, improving the management of official armouries, and pursuing other practical initiatives to address the illicit small arms trade in the region.

All ARF members should be encouraged to produce authoritative and transparent Defence White Papers and share them within the ARF as a confidence-building measure.

Like other parts of the globe, the entire Asia Pacific has felt the impact of increased lawlessness, crimi-

nal activity and political and economic instability that accompanies the unchecked proliferation and misuse of small arms. All the countries of this region are aware of this, and have made an important contribution to global efforts to address small arms problems. The ASEAN grouping, for example, was active in the process that culminated in the adoption of the small arms Programmeme of Action at the UN Conference in July 2001. Recognizing the importance of regional initiatives as part of the broad framework established in the Programmeme of Action, Australia and other Asia Pacific countries have been promoting the idea of a non-binding declaration through which members of the ARF could collectively demonstrate their commitment to international efforts to combat small arms problems.

The Pacific Island states have been active in developing model arms control legislation.

UN Conventional Arms Register

Transparency in the flow of conventional arms is an important element in efforts to enhance global and regional security. The United Nations Register of Conventional Arms (UNCAR) is one means of achieving this goal of greater transparency. Widespread participation in the UNCAR process by regional countries is an important confidence building measure and the Australian Government is firmly committed to strengthening this process, particularly in the Asia Pacific region. Australia annually undertakes a round of representations to those countries which participate in the ARF, sharing our own return and calling on all of these states to contribute to this process.

Conventional weapons arms control

There have been a number of positive developments in the field of conventional weapons arms control in recent years, some of which have particular relevance to our region. Perhaps the most significant of these was the negotiation, and subsequent entry-into-force, of the Ottawa Convention, which prohibits the use, production, transfer or stockpiling of anti-personnel landmines. The comprehensive framework established by the Ottawa Convention has played an important role in reducing the impact of anti-personnel landmines on civilian populations. Adherence to this Convention has grown rapidly, and there are now 122 States Parties with an additional 20 countries which have signed but not ratified the treaty. Australia was an original signatory to this Convention.

The comprehensive framework established by the Ottawa Convention has played an important role in reducing the impact of anti-personnel landmines on civilian populations.

The nature of anti-personnel landmines lends itself to practical, regional approaches. An example of this is in the area of stockpile destruction, where Australia has been particularly active. We have sent technical experts to participate in a number of regional stockpile destruction seminars over the past year, to share with other countries the innovative and cost-effective technique developed by the Australian Defence Force to destroy our own landmines stockpile. This cooperation is illustrated by the stockpile destruction seminar hosted by Malaysia in August 2001.

Australia, as a major contributor to mine action Programmes in the region, is also pleased to be involved as a sponsor, together with the governments of Canada and Japan, of a regional seminar to be hosted by Thailand in May, to dis-

cuss the nature of the landmines problem in South East Asia. We hope that this seminar will lead to a better understanding of the problem, and that for some it might represent a further step in the process towards eventual accession to the Ottawa Convention.

Conclusion

With hindsight, the cold war period was one of relative strategic simplicity. The principal issues, adversaries and capabilities were well-established and understood, as were the catastrophic consequences of miscalculation. This allowed for a measure of stability and predictability and for the development of bilateral and multilateral arms control instruments. The post-cold war world, and in particular the post-911 world, offer us no such straightforward picture. We face a complex web of security challenges involving a wide range of actors, capabilities, motivations and intentions. What constitutes security itself is more complex and its attainment more elusive.

There are, in short, both quite new and long-running security issues that demand our attention. The search for effective responses has to acknowledge that our conventional approaches to arms control and disarmament have not been - or are no longer - adequate to the task. Nations will not concede sovereignty or strategic options if they see these as running counter to their national interests. Confidence-building is aimed at patiently developing levels of confidence that will open the way to binding commitments. It is a key building block in the search for international security.

Australia is encouraged by the manner in which states from every part of the Asia-Pacific region have joined together, each in their own way, to denounce and combat terrorism. The terrorism paradigm has given many countries a willingness to do things differently—to cooperate with previously

unlikely partners, and to be resolute in action. The threat of terrorism has given new impetus to the ARF, and its work has the potential to make an important contribution to regional security. We also hope that regional countries will renew their efforts in implementing regional arms control initiatives—such as participation in the UNCAR, and adherence to the Ottawa Convention and the Convention on Certain Conventional Weapons (CCW).

Counter to those who paint a bleak picture of the post-911 world, there is thus cause for some optimism. Common interests have come into sharper relief, and there are improved prospects for states to deal with security issues cooperatively and with more determination. The process of globalization itself provides a powerful imperative for nations to manage security better and to build confidence and transparency. These factors in combination have the potential to contribute positively not only to the security of the Asia-Pacific region, but also to the security and prosperity of an ever more interconnected globe.

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The role of civil society in disarmament issues: realism vs. idealism?

Jody Williams

Extract

If we want to live in a world with a meaningful agenda for disarmament in this century, civil society, like-minded governments, international agencies and the United Nations must forge a partnership to ensure that our "idealistic" vision becomes the new reality.

I have had the privilege of being involved in a global movement to eliminate antipersonnel landmines that has seen much success. Seemingly from nowhere, the ban movement was able to build awareness and capture the public conscience in such a way that resulted in government action to deal with landmine proliferation in a timely fashion.

When the Norwegian Nobel Committee chose to recognize the work of the International Campaign to Ban Landmines (ICBL) with the Nobel Peace Prize in 1997, it noted that the Campaign had, with the Mine Ban Treaty of the Ottawa Process, made feasible reality of a utopian dream. Further, the Committee noted that the campaign had been able

* *Jody Williams, 1997 Nobel Peace Laureate, is Campaign Ambassador, International Campaign to Ban Landmines, Washington, DC.*

to "express and mediate a broad range of popular commitment in an unprecedented way. With the governments of several small and medium-sized countries taking the issue up, this work has grown into a convincing example of an effective policy for peace." It concluded, "As a model for similar processes in the future, it could prove to be of decisive importance to the international effort for disarmament and peace."

The ban movement, and the ICBL in particular, flourished in what now almost seems like a dream in the period following the end of the cold war when anything seemed possible. The momentum of the movement to eliminate landmines grew seemingly effortlessly—in a world no longer bi-polar where any number of alliances seemed possible and where we would call the partnership of civil society and governments seeking to rapidly redress global problems "a new superpower."

Given this experience, my perception and my concrete reality affirm that there is a role for civil society to play in defining a disarmament agenda. Given this experience, my perception and my concrete reality affirm that "realism" does not preclude having a vision of a better world and turning that vision into reality. My "schizophrenic doubts" are quelled for a moment and I can speak about the role of NGOs in disarmament issues.

It was heartening to listen to the numerous speakers acknowledge the importance of civil society's involvement in setting the disarmament agenda and to hear many government representatives recognize the need for public awareness of key issues of disarmament, arms control, human security and national security—and the role of NGOs in helping to build that public awareness.

At the same time, concrete reality reminds me that often the "partnership" between governments and civil society is fragile and tenuous and that even as some call for greater

involvement of civil society, others are equally determined to turn back the clock not only on disarmament issues, but also on the involvement of civil society in shaping the terms of the disarmament debate—along with many other issues.

I am certain that many in this room will remember that in July 2001, during negotiations at the UN Conference on the Illicit Trade in Small Arms and Light Weapons, the US delegation attacked the NGOs for their involvement disarmament issues, declaring that the US does "not support the promotion of international advocacy activity by international or non-governmental organizations, particularly when those political or policy views advocated are not consistent with the views of all member states. What individual governments do in this regard is for them to decide, but we do not regard the international governmental support of particular political viewpoints to be consistent with democratic principles."

Certainly, the US is not alone in wishing to marginalize the voice of civil society, but to do so in the name of "democratic principles" confounds the mind—at least it confounds this mind.

Yet, this inverted notion of democracy is not inconsistent with the new lexicon of today's unipolar world. In this new lexicon, the definition of **multilateralism** reads "either you are with us or you are against us." **Negotiation** means "you will accept my position, my framework, my world view, my bottom line—period." **Peaceful exploration of space** includes military and intelligence-related activities, and **realism** means "going along to get along" because if an individual or an entire country dares to question the underpinnings of this new reality, it is likely to be labeled "the enemy" at best and "evil" at worst.

A few days after the attacks of September 11th, I wrote a statement noting, "We do need to respond to the terrorist attack—but many worry what form the response might

take. One US commentator reported that a former high government official speculated that perhaps even a nuclear response should be considered. Hopefully, more rational minds will prevail. How can anyone possibly think that using nuclear weapons—the most indiscriminate, destructive weapons of all—is an appropriate response to a terrorist attack?"

When I mentioned my concern to a colleague, he was certain that either I had misheard the report or that it merely reflected the thinking of "a fringe element." Yet, with the new revelations of US nuclear policy—which have already been much discussed in this conference—how rapidly these words of concern have become clear reality in the post-September 11th world.

I share the feelings expressed by many over the past days. The challenges facing the global community are greater than at any moment since the end of the cold war. Not only do we not want to lose the gains made in the 90s, but we need to insure that there is a rational response to terrorism, firmly grounded in international law. The need to address terrorism is real. But how terrorism is addressed is as critical to the outcome as is the need to deal with the issue. We cannot allow the campaign against terrorism to mask the dramatically increasing militarism in the world that threatens to launch a new global arms race.

In order to deal with this impending crisis in disarmament, I believe that the role of civil society in framing and carrying out a disarmament agenda for the 21st century is more critical than ever. But I also share the view expressed by many here that governments too must take a more forceful role in shaping the world they want to see and not be held hostage to this moment in time.

Maj-Britt Theorin is one of the speakers who noted the dramatic changes that can be wrought by the involvement of civil society in disarmament issues, recalling the impact of a mass European protest against stationing nuclear weapons there. Other speakers have noted that while the situation might look bleak at the moment, we all know that change is inevitable. That all might not be lost in what has been accomplished to date in arms control and disarmament.

In moving wildly, "schizophrenically," between despair about the present situation and "wild-eyed idealism" about the ability of the human spirit to rise above seemingly impossible odds, I choose to focus on the inevitability of change and to be an active agent of the change I envision and to focus on what I believe to be the fundamental right of individuals and groups of individuals to determine their own future and not to have it determined for them in the name of "realism."

A few moments ago, I spoke about the movement to ban landmines, noting that it seemingly "came out of nowhere" to capture the public conscience and bring about dramatic change in a short period of time. But as anyone who knows the history of the movement to control certain conventional weapons can tell you, the "quick" success of the International Campaign to Ban Landmines and the resulting government-NGO partnership of the Ottawa Process was actually built upon much earlier work by the International Committee of the Red Cross (ICRC), the UN and a few governments—like Mexico and Sweden—hat had begun calling for a ban on landmines—and other conventional weapons—in the 1970s. While that earlier arms control effort had languished for over a decade when we launched the ICBL, it had served as a base from which we could launch our ban agenda.

Probably not surprisingly, I echo many of the points expressed at this conference by the Honorable Lloyd Axworthy—

both in his various comments during the panels and in his discussion of the prevention of an arms race in outer space. Minister Axworthy notes Rebecca Johnson's call for a space focused "Ottawa Process"—a variation of the process that brought about the Mine Ban Treaty.

While it is widely held that civil society was the key to capturing the public conscience on the issue of landmines, the Canadian government was one of our key allies in forging the government-NGO partnership that made real change ultimately possible. And it was the bold personal leadership of Minister Axworthy in stepping outside the normal diplomatic mold to challenge the world to transform its mine ban rhetoric into treaty reality that gave our partnership a real framework in which to work.

We learned many things in the mine ban movement. And as the world now grapples with what a disarmament agenda for the 21st century might look like, it is incumbent upon those of us who believe that civil society has a meaningful role to play to work hard to not see the gains of the 90s lost in the new "realism." Some of the relevant lessons that we took from our work include:

- **first**, it is possible for NGOs to put an issue—even one with international security implications—on the international agenda, provoke urgent actions by governments and others, and serve as the ongoing driving force behind change. Civil society can indeed wield great power in the post-cold war world
- **second**, it is possible to achieve rapid success internationally through common and coordinated action by NGOs, like-minded governments, and other key actors such as UN agencies and the ICRC. It is through concerted action that change is most likely to be effected

- **third**, it is possible for small and medium size countries, acting in concert with civil society, to provide global leadership and achieve major diplomatic results, even in the face of opposition from bigger powers
- **fourth**, it is possible to work outside the traditional diplomatic fora, practices and methods and still achieve success multilaterally

I would like to take a moment now to elaborate on some of these lessons, which might be applicable to critical issues facing us today:

- **Partnership pays.** Perhaps the key factor in the success of the ban movement has been the close and effective cooperation between NGOs (primarily through the ICBL), governments, the ICRC, and UN agencies. This cooperation has been at the strategic and tactical level and continues to this day.
- **Build a core group of like-minded governments.** After being in an adversarial relationship with nearly every government from 1992–1995, an increasing number of governments began to endorse an immediate ban. The campaign called upon individual governments to come together in a self-identifying pro-ban bloc at the beginning of 1996, and they rapidly did so. Historically NGOs and governments have too often seen each other as adversaries, rather than colleagues, and at first, some in the NGO community worried that governments were going to "hijack" the process in order to undermine a ban. But a relationship of trust among a relatively small "core group" of governments (most notably Canada, Norway, Austria, and South Africa) and ICBL leadership

quickly developed and has been maintained. This core group was geographically diverse, committed, and willing to provide leadership in the face of opposition from bigger states. The extraordinary dedication, energy, and talent of key governments and key individuals within those governments were absolutely vital in the success of the ban movement.

- **NGOs need to be inside too.** Obviously, a crucial role for NGOs is mobilizing public opinion. But the mine ban movement has demonstrated that extensive NGO involvement in what are traditionally thought of as diplomatic activities is also crucial to insuring rapid and effective change. The ICBL played a major role in the actual drafting of the ban treaty, from its earliest stages, and was given a formal seat at the table in all the diplomatic meetings leading up to and during the negotiations. Not just plenary sessions, but all working meetings were open to the ICBL. Many government representatives have since commented that the presence and input of the ICBL and ICRC made a huge difference in the Oslo outcome. This prominent and official role for the ICBL has continued during the treaty intersessional work (with meetings of the Standing Committees of Experts) and during the annual meetings of States Parties to the Mine Ban Treaty.
- **Non-traditional diplomacy can work.** The Ottawa Process that led to the Mine Ban Treaty largely grew out of the failure of negotiations in 1995–1996 on the Landmines Protocol to the 1980 Convention on Conventional Weapons

(CCW). The pro-ban governments decided to pursue a "fast track" approach, outside of traditional negotiating fora. The members of the Ottawa Process were self-identifying. Core group governments Austria, Germany and Belgium, hosted what were in essence preparatory meetings, followed by negotiations hosted by Norway and a treaty signing conference hosted by Canada. Though done outside the formal UN structure, the Ottawa Process was strongly supported by various UN agencies, and especially by Secretary-General Kofi Annan who now serves as depositary of the convention.

- **Say no to consensus.** From the start of the Ottawa Process, the core group governments made clear that this was not to be a repeat of the Landmine Protocol negotiations where any one country could thwart the will of others. While always striving for consensus, the Ottawa Process stressed the concept of like-minded, in essence saying, if you are not like-minded regarding a total ban, do not participate. During the Oslo negotiations, the Rules of Procedure rejected the consensus approach, and while a vote never occurred, the fact that it took a two-thirds majority to make changes to the text contributed to the demise of several severely weakening amendments sought during the final negotiations of the Mine Ban Treaty in Oslo in 1997.
- **Promote regional diversity and solidarity without blocs**. Both the campaign and core group governments worked hard to ensure geographic diversity within the ban movement, and to promote a sense of ownership of the issue among

regional organizations, especially the Organization of African Unity. This strategy paid off well, but parallel to that, it was important that the traditional diplomatic alignments never came into play; there was no "Western Group" or other regional meetings.

Certainly, not all of these lessons would apply in all cases, would be difficult to carry out in some cases, and could be counterproductive in others. Some have noted how the mine ban campaign had certain "advantages"—its focus on a single weapon, an easy to grasp message, its highly emotional content. Perhaps even more important, the weapon is obviously not vital militarily, nor important economically. But the difficulties encountered should also not be underestimated. There was virtually uniform opposition from governments at first, due to the widespread deployment of mines, considered by most as common and as acceptable as bullets, an integral part of in place defenses and war plans, training, and doctrine. About 125 nations had stockpiles of antipersonnel mines; mines had been deployed in 88 countries. They were considered a cheap, low tech, and reliable, substitute for manpower, but were also the focus of future research and development for richer nations.

These were long odds to overcome. But overcome them we did. We created the reality we wanted out of our vision of a world free of landmines. Those of us who believe that civil society has both the right and the responsibility to determine the 'reality' of our world must refocus our efforts and energies on expanding the dialogue, interaction and partnership between NGOs, governments, international agencies and the United Nations—the body that provides a forum for all voices to be heard in developing a disarmament agenda for the 21st century. While sometimes the landmine ban movement worked outside traditional UN structures, it has also

forged a strong and growing relationship with the United Nations. It is this UN, under the leadership of its Secretary General Kofi Annan, that has worked diligently for broadening the involvement of civil society in its various deliberations. Witness, for example, this conference in Beijing. We can and must build upon these partnerships.

Perhaps these words sound like the mad rambling of an idealist. Of a person who does not have a firm and 'realistic' grasp on the state of the world today. Yet, I am not the only idealist in this room. Others at this conference—individuals from both the NGO world and government representatives—have confessed to being "idealists" if that means that we believe that we can create a world with a meaningful disarmament agenda that can encompass human security and national security.

Too often we "idealists" are told that the real world is a cold, hard, and unforgiving place and that to insure peace we must prepare for war. That is not a view that this idealist will accept. My view of realism is that you get what you prepare for. If we want to build a peaceful world, we must prepare for peace. If we want to live in a world with a meaningful agenda for disarmament in this century, civil society, like-minded governments, international agencies and the United Nations must forge a partnership to ensure that our "idealistic" vision becomes the new reality.

* * *

Annexes

ANNEX I

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ANNEX II

Abbreviations and Acronyms

CBM	confidence-building measures
APEC	Asean Pacific Economic Cooperation
ARF	Asean Regional Forum
ASEAN	Association of Southeast Asian Nations
BWC	Biological Weapons Convention
CCW	Convention on Certain Conventional Weapons
CD	Conference on Disarmament
CFE	Treaty on Conventional Armed Forces in Europe
CSBMs	Confidence and security building measures
CTBT	Comprehensive Test Ban Treaty
CWC	Chemical Weapons Convention
ECOWAS	Economic Community of West African States
FMCT	Fissile material cut-off treaty
ICBL	International Campaign to Ban Landmines
ICIS	Institute for Cooperation in Space
ICOC	international code of conduct
ICRC	International Committee of the Red Cross
IMS	International monitoring system
KEDO	Korean Peninsula Energy Development Organization
LTBT	Limited Test Ban Treaty
MIRV	Multiple independently targetable re-entry vehicle

MMP	Mainstream Media Project
MTCR	Missile Technology Control Regime
NEPAD	New partnership for African development
NORAD	North American Aerospace Defense Command
NPR	Nuclear posture review
NPT	Non-proliferation treaty
NWS	nuclear-weapon state(s)
NNWS	non nuclear-weapon state (s)
OAU	Organization of African Unity
OOSA	UN Office for Outer Space Activities
OPCW	Organization for the Prohibition of Chemical Weapons
PAROS	Prevention of an arms race in outer space
PCASED	Programme for coordination and assistance on security and development
PNET	Peaceful Nuclear Explosions Treaty
SADC	South African Development Community
SALT	Strategic arms limitation talks
SALW	Small arms and light weapons
SLBM	Submarine launched ballistic missile
SSP	Stockpile stewardship programme
START	Strategic Arms Reduction Treaty
TTBT	Threshold Test Ban Treaty
UAV	Unmanned aerial vehicles
UNISPACE III	UN Conference on the Exploration and Peaceful Uses of Outer Space
WMD	Weapons of mass destruction

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